



**Muthithi Investments Limited v Kioko (Environment & Land Case
1 of 2019) [2023] KEELC 693 (KLR) (9 February 2023) (Ruling)**

Neutral citation: [2023] KEELC 693 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
ENVIRONMENT & LAND CASE 1 OF 2019
LN MBUGUA, J
FEBRUARY 9, 2023**

BETWEEN

MUTHITHI INVESTMENTS LIMITED PETITIONER

AND

GIDEON MBUVI KIOKO RESPONDENT

RULING

1. I have perused the record. I find that although the case is old the delay in prosecution of the petition was primarily occasioned by the respondent who was not filing his response to the petition in good time such that on January 27, 2020, the court noted that the respondent had been given 6 times to comply with the orders of filing their pleadings. Still on that day, the court gave a rider that the matter would proceed as an undefended claim in the event of none compliance by respondent.
2. I also discern that clear and precise directions had not been given on how the suit was to proceed until July 7, 2022. This is when the court set the matter down for hearing for today. It follows that this is the first application for adjournment to be made by the petitioners.
3. In the circumstances, I allow the adjournment on the basis that counsel for the petitioner was not ready as he was involved in Tribunal hearings.
4. However, the petitioner is condemned to pay costs to respondents advocate as per the remuneration order, while his witness, the Respondent is given a sum of ksh.2,000 noting that it is still early morning.

**DATED, SIGNED AND DELIVERED AT NAIROBI THIS 9TH DAY OF FEBRUARY, 2023
THROUGH MICROSOFT TEAMS.**

LUCY N. MBUGUA

JUDGE

In the presence of:-



Ouma for Petitioner

H. Kinyanjui for Respondent

Court assistant: Eddel

