



Idow Trading Company Limited v Jimale & 2 others (Environment & Land Case 63 of 2008) [2023] KEELC 17949 (KLR) (7 June 2023) (Ruling)

Neutral citation: [2023] KEELC 17949 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
ENVIRONMENT & LAND CASE 63 OF 2008**

**LN MBUGUA, J
JUNE 7, 2023**

BETWEEN

IDOW TRADING COMPANY LIMITED PLAINTIFF

AND

MOHAMMED JIMALE 1ST DEFENDANT

OSMAN ALI MOHAMMED 2ND DEFENDANT

CITY COUNCIL OF NAIROBI 3RD DEFENDANT

RULING

1. I have perused the court file. I find that this is a very old case, filed in year 2008. The reasons being advanced by defendants on the prayer for adjournment is that Mr Macharia has a Court of Appeal matter case No E142 of 2021. However, no plausible reasons have been given as to why this information was being transmitted to plaintiff's counsel just a day before the scheduled date of the trial (today).
2. Further, no evidence has been presented to this court by the 2nd & 3rd defendants to confirm that plaintiff's side had agreed to have an adjournment.
3. I also note that on October 5, 2022, the court had granted a last adjournment as the defence was again not ready to proceed on that day.
4. This court has a constitutional mandate to ensure that justice is dispensed with expeditiously: see my decision in *Lawrence Kinyua Mwai v Nyoriginu Farmers Co Ltd & another* [2019] eKLR.
5. In the circumstances, the court declines to grant any adjournment. The matter is to proceed in open court. The court will give directions on the issue of documents in open court at 11.00 am.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 7TH DAY OF JUNE, 2023 THROUGH MICROSOFT TEAMS.



LUCY N. MBUGUA

JUDGE

In the presence of:

Anzala for plaintiff

Plaintiffs

Mugo holding brief for Mrs. Wambugu for 2nd defendant and holding brief for Macharia for 3rd Defendant.

Macharia for 3rd Defendant

