



Wacho (Legal representative of Naomi Subo Stephen) v Gache (Environment & Land Case E001 of 2023) [2023] KEELC 17987 (KLR) (5 June 2023) (Ruling)

Neutral citation: [2023] KEELC 17987 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT ISIOLO
ENVIRONMENT & LAND CASE E001 OF 2023
PM NJOROGE, J
JUNE 5, 2023**

BETWEEN

TIMOTHY WACHO (LEGAL REPRESENTATIVE OF NAOMI SUBO STEPHEN) PLAINTIFF

AND

SOKA GACHE DEFENDANT

RULING

1. This ruling concerns are application dated May 2, 2023. It seeks orders; -
 - a. That Judgement in default of filing memorandum of appearance and or Notice of appointment and statement of defence be entered against the defendant/respondent herein and the matter be fixed for formal proof.
 - b. That costs of this application be provided for.
2. The grounds the reliefs sought are relied upon are; -
 - a. That the plaintiff sued the defendant on January 12, 2022 claiming the reliefs set out in the plaint.
 - b. That on January 27, 2022 service of the summons to enter appearance and the pleadings were effected upon the defendant as per affidavit of service dated February 4, 2022 and filed in court on February 8, 2022.
 - c. That it is over 1 year to date and the defendant has failed to file Memorandum of appearance and/ or notice of appointment and a statement of defence.
3. I consider that the application has merits.
4. I direct that the matter be fixed for formal proof on July 17, 2022.



5. Costs shall be in the cause.

DELIVERED IN OPEN COURT AT ISIOLO THIS 5TH DAY OF JUNE, 2023 IN THE PRESENCE OF;

Court Assistant: Balozi/Rahma

HON. JUSTICE P.M NJOROGE

JUDGE

