



Unity 45 Housing Co-operative Society Limited v Kimuli & 3 others (As Chairman, Secretary, Treasurer and Patron of Maili Saba Mwengeny Youth Self Help Group); Owuor & 2 others (Interested Parties) (Environment & Land Case 994 of 2014) [2023] KEELC 18882 (KLR) (12 July 2023) (Ruling)

Neutral citation: [2023] KEELC 18882 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
ENVIRONMENT & LAND CASE 994 OF 2014**

**LN MBUGUA, J
JULY 12, 2023**

BETWEEN

UNITY 45 HOUSING CO-OPERATIVE SOCIETY LIMITED PLAINTIFF

AND

PETER NGULU KIMULI 1ST DEFENDANT

KORI KAMUYU 2ND DEFENDANT

SAMMY KAMANDE 3RD DEFENDANT

PETER MWAGA 4TH DEFENDANT

**AS CHAIRMAN, SECRETARY, TREASURER AND PATRON OF MAILI SABA
MWENGENYE YOUTH SELF HELP GROUP**

AND

DORICE AUMA OWUOR INTERESTED PARTY

TIMOTHY MWEMA KIBANGA INTERESTED PARTY

JOSHUA NZUA MUTHUSI INTERESTED PARTY

RULING

1. This ruling relates to the prayer for adjournment sought by Mr. Kibukosya holding brief for Mr. Esuchi. I find that this case was adjourned on May 24, 2023 for want of time and was given the dates of 5th and July 12, 2013 at 3 pm to 5 pm (in both dates). However, on July 5, 2023 the matter was called out at 9.00 am in the virtual platform, and in absence of plaintiffs counsel, one Kibukosyo holding brief for Mr. Esuchi sought adjournment on the basis that Mr. Esuchi was sick. He also indicated that



the case can proceed on July 12, 2023. There is no evidence tabled by Mr. Kibukosya to indicate that they communicated to Mr. Mbichire for plaintiff on the change of circumstances. In that regard, I decline to adjourn the case.

2. The matter shall proceed as scheduled at 3.00 pm.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 12TH DAY OF JULY, 2023 THROUGH MICROSOFT TEAMS.

LUCY N. MBUGUA

JUDGE

