



Wanjala & 12 others v Musioma & others (Environment & Land Case 300 of 2004) [2023] KEELC 20689 (KLR) (9 October 2023) (Ruling)

Neutral citation: [2023] KEELC 20689 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
ENVIRONMENT & LAND CASE 300 OF 2004
LN MBUGUA, J
OCTOBER 9, 2023**

BETWEEN

NEWTON WANJALA & 12 OTHERS PLAINTIFF

AND

JOSEPH ZIRO MUSIOMA & OTHERS DEFENDANT

RULING

1. I have considered the application for adjournment made by the plaintiffs to the effect that their witness is sick. They have availed the medical sheets to that effect. They contend that the sick plaintiff is the only one who has recorded a statement, and he is one Newton Wafula.
2. Wafula is however not the only witness who has recorded a statement. The Trial Bundle of the plaintiff's indicates that there are 8 witnesses in all.
3. I discern that this being a case of 2004, the same should not be adjourned. The case is to proceed.

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

LUCY N. MBUGUA

JUDGE

In the presence of:-

Ndiso and Gichuhi for Plaintiff

Mwangi and Angwenyi for 1st & 2nd Defendants

Macharia for 3rd Defendant

Kipchirchir for 4th Defendant



Osoro for the 11th Interested Party (in main suit) and 14th and 15th Defendants in the Counter Claim
Kasim Felix Wekeso 2nd plaintiff
1st and 2nd Defendants
Plaintiffs
Patrick Kairu for 3rd Defendant
John Masesa for 4th Defendant
Mathew Mbaluka Mutiso 11th Interested Party (also 14th and 15th Defendant in Counter Claim
Court Assistant: Eddel

