



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA ELC APPEAL CASE NO. 02 OF 2020

REVELATION MISSION CENTRE.....APPELLANT

VERSUS

AFRICAN CHURCH OF THE HOLY SPIRIT.....RESPONDENT

RULING

1. This application seeks the following orders:

1.THAT the Application herein be certified urgent and be heard ex-parte in the first instance.

2.THAT leave be granted for the firm of **Victor L. Andande & Co. Advocates** to come on record for the Appellant/Applicant herein in place of **M/S I.C.Mugo & CO. Advocates**.

3.THAT there be no orders as to costs.

2. It has the following grounds:

a) **THAT** the Applicant was the unsuccessful party in the suit herein against the Respondent

b) **THAT** the Appellant/Applicant intends to change his Advocate so that his current Advocate can pursue the Intended Appeal at the Court of Appeal.

c) **THAT** it is only fair that the Application herein be allowed as time for the Intended appeal is running out.

d) **That** the firm of Victor L. Andande & Co Advocates have tried filing documents in relation to the appeal but the registry staffs have declined to allow the same claiming said firm is not on record.

e) **THAT** it is in the interests of the justice that the Application herein be heard as a matter of urgency.

3. The court has perused the application dated **13th April, 2021**. The application seeks that leave be granted for the firm of Victor L. Andande & Co. Advocates to come on record for the Appellant/Applicant herein in place of M/S I.C. Mugo & Co. Advocates.

4. The court notes that the apposite Judgment was delivered on **17th March, 2021**. This application was filed on **14th April, 2021**. It is quite clear that the filing of this application evinces inordinate delay. I have not been shown that a Notice of Appeal was filed within the stipulated time under the Court of Appeal rules.

5. As per Rule 75(2) of the Court of Appeal Rules, Notice should be lodged within 14 days after the date of the decision against which it is desired to appeal.

6. This means that allowing the firm of Victor L. Andande & Co. Advocates to come on record in place of the firm of I.C. Mugo & Co. Advocates, will not cure this breach of the apposite rules. Allowing the new firm to come on record will, in my view, amount to a pyrrhic and an inconsequential exercise.

7. In my view, this application is not meritorious.

8. This application is, therefore, dismissed.

DELIVERED IN OPEN COURT AT CHUKA THIS 14TH DAY OF APRIL, 2021 IN THE PRESENCE OF:

CC: Ann

Application made and a ruling delivered via E-mail.

P. M. NJORGE,

JUDGE.