

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT CHUKA

CHUKA ELC CASE NO. 221 OF 2017

M'NYERI M'RIMUNYA.....PLAINTIFF

VERSUS

BETH KAARI.....1ST DEFENDANT

PRUDENCE MUKIRI.....2ND DEFENDANT

PHARES GITARI NKOROI.....3RD DEFENDANT

RULING

1. This is a matter that has come up a number of times. Several times, the court has been told by the plaintiff's advocates that they are willing to pay the subject matter, which is costs. We have adjourned this matter several times after being told the plaintiff's estate has been awaiting confirmation of grant so that they can pay the amount of money in question. On **24th February, 2021**, the plaintiff's advocate told the court that the matter would come up in the High Court on **13.5.2021**. The advocate personally asked the court to have the matter mentioned on **24.5.2021**.

2. On **24.5.2021**, the plaintiff's advocate did not come to court.

3. Mr. Ndungu, holding brief for Mr. Munyori, the defendants' advocate told the court that in the absence of the plaintiff's advocate, the court could not be told if or if not the plaintiff was in a position to pay the claimed amount. He asked the court to give the defendants the liberty to apply for a warrant of execution.

4. The following orders are issued:

a. The defendants are at liberty to move appropriately so that the plaintiff can pay the amount claimed as costs and which the plaintiff's advocate has all along intimated that he was willing to pay.

b. Directions on **22.6.2021**.

DELIVERED IN OPEN COURT AT CHUKA THIS 24TH DAY OF MAY, 2021 IN THE PRESENCE OF:
CA: Ndegwa

Linus Ndung'u h/b Munyori for the defendants

P. M. NJOROGE,

JUDGE.