

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT NAIROBI

MILIMANI LAW COURTS

ELC. CASE NO. 248 OF 2012

JOSEPH MWANGI NJERI.....PLAINTIFF/APPLICANT

VERSUS

KIMANI MUNGAI.....DEFENDANT/RESPONDENT

RULING

The Plaintiff/Applicant's Notice of Motion dated 31/12/2013 is hereby dismissed with costs to the Defendant as the same is *res judicata*. The very issues of which were determined by Judge Ougo in her ruling delivered in this court on 16/4/13 and Judge Gitumbi's ruling delivered on 6/12/13 a copy of which is annexed. This suit should now proceed to the hearing of the main suit.

SIGNED AND DATED AT NAIROBI BY LADY JUSTICE

MARY M. GITUMBI THIS 24TH DAY OF APRIL 2018.

MARY M. GITUMBI

JUDGE

DELIVERED AT NAIROBI BY JUSTICE SAMSON O. OKONG'O

THIS 3RD DAY OF MAY 2018.

SAMSON O. OKONG'O

PRESIDING JUDGE