

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT NYERI

ELC CASE NO. 24 OF 2013

SIMON MUCHIRI WANJOHI.....PLAINTIFF

-VERSUS-

BENSON KABUGI MURIUKI.....DEFENDANT

RULING

1. This suit was heard and Judgment delivered on 27th April, 2016.
2. The defendant filed a notice of appeal on 5th May, 2016 and applied for certified copies of the proceedings and judgment to enable him compile a record of appeal.
3. Copies of judgment and proceedings were received by the firm of Nganga Munene on 24th August, 2016.
4. On 24th August 2017, the firm of Nganga Munene & Company Advocates filed the instant motion seeking an order from this court for leave to cease acting for the defendant on the ground that the defendant has ignored correspondence from them. To prove efforts made in seeking further instructions from the defendant, the applicant annexed letters dated 21st September, 2016, 16th December, 2016 and 26th June, 2017.
5. In an affidavit of service sworn by Gilbert W. Kariuki, a licensed process server sworn on 22nd November, 2017, the defendant was served with the notice of motion on 20th November 2017 at 10.30 a.m.
6. The application is not opposed.
7. As stated in paragraph 1 of this ruling, judgment was delivered on 27th April, 2016. After delivery of the judgment, this court became *functus officio* this matter. The instant application is not among the applications this court can entertain after judgment which relate to or are affected by the judgment and or decree. For that reason I decline to grant the orders sought and dismiss the application dated 24th August, 2017.

Dated, signed and delivered in open court at Nyeri this 3rd day of July, 2018.

L N WAITHAKA

JUDGE

Coram:

N/A for the plaintiff

N/A for the defendant

Court assistant - Esther