



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT MERU

ELC PETITION NO. 22 OF 2013

CHARLES KIUNGA

M'MBOROKI (*Suing as the administrator of the*

***Estate of M'Kiunga M'Mbogori – deceased*).....PETITIONER**

VERSUS

MERU UNIVERSITY OF

SCIENCE AND TECHNOLOGY.....1ST RESPONDENT

NATIONAL MUSEUMS OF KENYA.....2ND RESPONDENT

LAND ADJUDICATION OFFICER,

URINGU 1 ADJUDICATION SECTION.....3RD RESPONDENT

ATTORNEY GENERAL.....4TH RESPONDENT

RULING

1. This ruling is in respect of the application dated 23.7.2018 whereby applicant/ petitioners are seeking for the setting aside of the orders given on 27.6.2018 where the court directed that the matter be heard by way of written submissions.
2. Applicants desire that the case be heard by way of oral evidence whereby witnesses will be cross examined on their statements and documents filed.
3. I find that this application was made before Judge Njoroge (albeit orally) on 27.6.2018. A ruling to that effect was given whereby it was ruled that ***“The petition is brought on the basis that certain provisions of the constitution have been violated. I believe that it is possible to demonstrate this by way of affidavit evidence and submissions”***.
4. I am therefore in agreement with the respondent's averments that the issue is spent.
5. It is also not lost to this court that after the ruling of the court on 27.6.2018, counsel for applicant (petitioners) prayed for leave to introduce their documents by way of an affidavit. The court granted them their wish. The further affidavit of the petitioners was to be filed with submissions within 30 days. The applicants did not comply with these directions. Instead they have resulted to filing the present application four and a half years since the time of filing of this suit (on November 2013).
6. I find that the application is not merited. The same is dismissed with costs to respondents.

DATED, SIGNED AND DELIVERED IN OPEN COURT AT MERU THIS DAY OF 4TH OCTOBER, 2018

IN THE PRESENCE OF:-

C/A: Janet/Galgalo

Kiogora holding brief for C.P Mbaabu for petitioners

Nyamu Nyaga for 1st respondent

Marete for 2nd respondent

HON. LUCY. N. MBUGUA

ELC JUDGE