

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT MERU

ELC CASE NO. 77 OF 2004

DANIEL MUTHURI.....1ST PLAINTIFF

BENSON KINOTI.....2ND PLAINTIFF

VERSUS

M'IKIARA KARIGI.....DEFENDANT

RULING

1. This ruling is in respect of the application filed on 13.3.2018 whereby applicant (1st plaintiff) is seeking for the setting aside of the orders of this court given on 6.2.2018 whereby applicants application filed on 16.12.2016 was dismissed.
2. There are grounds set out on the face of the application as well as a supporting affidavit.
3. The application was opposed.
4. I have considered all the arguments raised herein and the written rival submissions.
5. I find that 6.2.2018 was not the first time the court was dismissing the application. I had dismissed this application earlier on 29.5.2017. In my ruling delivered on 6.12.2017, I reinstated the said application. It was dismissed on 6.2.2018 for want of prosecution.
6. This is a case of 2004. The plaintiffs don't appear to be serious in prosecution of this suit. I find that the application of 13.3.2018 is not merited. The same is dismissed with costs to defendant.
7. Pursuant to the judgment of 4.7.2013, this file is marked as closed.

DATED, SIGNED AND DELIVERED IN OPEN COURT AT MERU THIS DAY OF 3RD OCTOBER, 2018 IN THE PRESENCE OF:-

C/A: Galgalo/Faith

Mammu holding brief for Otieno C for applicant

Nyakwara for respondent

HON. LUCY. N. MBUGUA

ELC JUDGE