



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT AT NAIROBI**

**ELC APPEAL CASE NO. 6 OF 2019**

**KENYA MEDICAL ASSOCIATION.....APPLICANT**

**VERSUS**

**MACHIRI LIMITED.....RESPONDENT**

**RULING**

1. I have considered the appellant's notice of motion dated 3/7/2020. It seeks reinstatement of the appeal in this suit. The appeal stood dismissed due to non-compliance with timelines set by the court. The applicant has explained that non-compliance with the order of the court was occasioned by the abrupt closure of the Court Registry, effective from 16/3/2020.
2. The abrupt closure was occasioned by the COVID-19 Pandemic. The court appreciates that the 30 days period was lapsing on 20/3/2020. The appellant still had five days when the Chief Justice directed closure of the courts.
3. In the circumstances, I will exercise discretion and reinstate this appeal. The written submissions filed by the appellant are admitted. The respondent will have 14 days within which to file and serve their written submissions. The appellant will be at liberty to file brief rejoinder submissions, if necessary.
4. Mention on 12/7/2021 to fix a date for Judgment.

**DATED, SIGNED AND DELIVERED AT NAIROBI ON THIS 12TH DAY OF MAY 2021.**

**B M EBOSO**

**JUDGE**

**In the Presence of: -**

Mr Munyua for the Applicant

Ms Ndungu for the Respondent

Court Assistant: June Nafula