



**REPUBLIC OF KENYA**

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

**CHUKA ELC CASE NO. 1 OF 2020**

**GILBERT GITARI BORE.....1<sup>ST</sup> PLAINTIFF**

**OMARI MARIJAN OMARI.....2<sup>ND</sup> PLAINTIFF**

**VERSUS**

**KENYA URBAN ROADS AUTHORITY.....1<sup>ST</sup> DEFENDANT**

**THE ADMINISTRATOR – CHUKA TOWNSHIP.....2<sup>ND</sup> DEFENDANT**

**THE COUNTY GOVERNMENT OF THARAKA NITHI.....3<sup>RD</sup> DEFENDANT**

**HYPER CONSTRUCTIONS & EQUIPMENT**

**COMPANY LTD .....4<sup>TH</sup> DEFENDANT**

**RULING**

1. This matter came up for mention on **31<sup>st</sup> May, 2021** to confirm if or not the AG had filed an application to set aside the Judgment delivered by the court on **13<sup>th</sup> October, 2020**. On **12.5.2021**, Mr. Kiongo, for the AG was **granted 14 days** to file the intended application.

2. Upon expiration of the 14 days granted to the AG, on **31<sup>st</sup> May, 2021**, Ms. Mbogo asked the court to allow the plaintiffs to execute their Judgment. She said that as the 2<sup>nd</sup> and 3<sup>rd</sup> defendants with the consent of the Plaintiffs had pulled out of the case, the plaintiffs should be at liberty to execute this court's Judgment delivered on **13<sup>th</sup> October, 2020**.

3. I do note that the Judgment delivered on **13<sup>th</sup> October, 2020** awarded costs to the plaintiffs against the defendants. However, as by consent the plaintiffs and the 2<sup>nd</sup> and 3<sup>rd</sup> defendants allowed the 2<sup>nd</sup> and 3<sup>rd</sup> defendants to be removed from the suit, costs will only be payable by the 1<sup>st</sup> and 4<sup>th</sup> defendants.

4. In the circumstances, the following orders are issued:

a) The plaintiffs are at liberty to execute the Judgment delivered on **13<sup>th</sup> October, 2020** as it has not been appealed against or set aside.

b) Costs are awarded to the plaintiffs against the 1<sup>st</sup> and 4<sup>th</sup> defendants.

**DELIVERED IN OPEN COURT AT CHUKA THIS 16TH DAY OF JUNE, 2021 IN THE PRESENCE OF:**

CA: Ndegwa

Kiongo for AG for 1<sup>st</sup> defendant.

**P. M. NJOROGE,**

**JUDGE.**