



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

MERU ELC CASE NO. 13 OF 2020 (OS)

IN THE MATTER OF LAND PARCELS NOS. TIGANIA WEST/URINGU 11/644; 2096 & 937

AGGREY MURAGE ETHANG'ATHA.....1ST PLAINTIFF/RESPONDENT

SARAH MWATHERA.....2ND PLAINTIFF/RESPONDENT

VERSUS

ERICK KINOTI ETHANG'ATHA.....1ST DEFENDANT/APPLICANT

MOSES NDEREBA ETHANG'ATHA.....2ND DEFENDANT/APPLICANT

WILLIAM NKUMBUKU ETHANG'ATHA.....3RD DEFENDANT/APPLICANT

HUMPHREY KIRAMANA.....4TH DEFENDANT/APPLICANT

RULING

1. This application states that it has been brought to court under Order 40 Rule 7 of the Civil Procedure Rules. It seeks the following orders:
 1. That this application be certified as urgent and be heard on priority basis.
 2. That this honourable court be pleased to stay the orders of 10.5.2021 on such terms as it would deem fit in the interests of justice pending the hearing of this application.
 3. That this court be pleased to discharge or set-aside the orders of 10.5.2021 in the interests of justice.
 4. That costs be in the cause.
2. The application is supported by the affidavit of Eric Kinoti Ethang'atha, the 1st applicant sworn on **12th June, 2021** and has the following grounds:
 - a) That the applicants are dissatisfied with the orders of this court given on 10.5.2021 and issued on 19.5.2021.
 - b) That the orders of this court have brought undue hardship on the applicants.
 - c) That the orders were obtained through material non-disclosure as the applicants live on the land and an order of injunction will effectively evict them if enforced.
 - d) That it is in the interests of justice that the orders of 10.5.2021 be discharged.
3. I have perused the application and the supporting pleadings. I note that the application has been filed over one month after the impugned decision was delivered on **10th May, 2021**.
4. In the circumstances, I am inclined not to certify the application as urgent. It will, however, be heard on priority basis. The following orders are issued:

a) The application to be served upon the respondents within 14 days of today.

b) The application to be heard interpartes by the Hon. Lady Justice Lucy Mbugua, ELC Judge, at Meru on 7th July, 2021.

DELIVERED IN CHAMBERS AT CHUKA THIS 15TH DAY OF JUNE, 2021 IN THE PRESENCE OF:

CA: Ndegwa

Matter handled in the absence of the parties.

P. M. NJOROGE,

JUDGE.