



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT NAIROBI

ELC CASE NO. 1554 OF 2013

SONA PROPERTIES LIMITED.....PLAINTIFF/APPLICANT

VERSUS

RUIRU-JUJA WATER & SEWAGE

COMPANY LIMITED.....1ST DEFENDANT/RESPONDENT

COUNTY GOVERNMENT OF KIAMBU.....2ND DEFENANT/RESPONDENT

RULING

1. This is the Notice of Motion dated 12th June 2019 brought under section 3A and 80 of the Civil Procedure Act, Cap 21 of the Laws of Kenya; Order 40 Rules 1 and 2, Order 51 Rule 1 of the Civil Procedure Rules and all enabling provisions of the law.
2. It seeks orders:-
 1. *Spent.*
 2. *That this honourable court be pleased to review and vary the ruling delivered on 8th May 2019.*
 3. *That the costs of this application be provided for.*
3. The grounds are on the face of the application and are set out in paragraphs 1 to 8.
4. The application is supported by the affidavit of Uday Shah, the Managing Director of the plaintiff herein sworn on the 12th June 2019.
5. On the 21st January 2020 leave was granted to the defendants/respondents to file the responses and submissions within 14 days. By the time of writing this ruling the 1st defendant has not filed any response and/or submissions. The plaintiff's submissions are also not on record. Only the 2nd defendant has filed written submissions.
6. I have considered the Notice Motion and the supplementary affidavit, I have also considered the submissions by the 2nd defendant. The issue for determination is whether this application is merited.
7. This court in its ruling of 8th May 2019 gave directions that the Notice of Motion dated 30th July 2014 be dispensed with. It also allowed prayer No.2 which was for joinder of Rojax Muia and Richard Kamau as defendants. This court is now guided that the two defendants had been enjoined in an earlier order. To this extent the ruling of 8th May 2019 is reviewed omit these directions for joinder.
8. This court however maintains that the prayers No 5 and 6 of the Notice of Motion dated 30th July 2014 need not be granted at this stage. The court ought to go into the substance of this matter.
9. This matter ought to be proceeded to full hearing so that all the issues herein will be resolved.
10. The ends of justice will be met if this matter proceeds to full hearing. The plaintiff is hereby directed to expedite the hearing of the main suit.

11. In essence the Notice of Motion dated 12th June 2019 is hereby dismissed. Costs be in the cause.

It is so ordered.

Dated, signed and delivered in Nairobi on this 29th day of July 2021.

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L. KOMINGOI

JUDGE

In the presence of:-

Mr. Gathu for the Plaintiff

No appearance for the 1st Defendant

No appearance for the 2nd Defendant

Phyllis - Court Assistant