



**REPUBLIC OF KENYA**

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

**CHUKA ELC CASE NO. 215 OF 2017**

**FORMERLY MERU ELC. 08 OF 2015**

**FORMERLY EMBU ELC. 266 OF 2015**

**MUTEGI MUGWETWA.....PLAINTIFF**

**VERSUS**

**COUNTY MINISTRY OF LANDS, PHYSICAL**

**PLANNING ENERGY & ICT COUNTY**

**GOVERNMENT OF THARAKA NITHI.....1<sup>ST</sup> DEFENDANT**

**COUNTY GOVERNMENT OF THARAKA NITHI.....2<sup>ND</sup> DEFENDANT**

**THE DIRECTOR GENERAL**

**(KENYA URBAN RURAL AUTHORITY).....3<sup>RD</sup> DEFENDANT**

**KENYA URBAN ROADS AUTHORITY.....4<sup>TH</sup> DEFENDANT**

**THE REGIONAL MANAGER-UPPER**

**EASTERN (KENYA URBAN ROADS AUTHORITY).....5<sup>TH</sup> DEFENDANT**

**TERRITORIAL WORKS (K) LTD.....6<sup>TH</sup> DEFENDANT**

**AND**

**CHUKA IGAMBANG'OMBE**

**DEVELOPMENT ASSOCIATION.....INTERESTED PARTY**

**RULING**

1. This application is dated 23<sup>rd</sup> January, 2020 and seeks orders:

1. The application be certified urgent and be heard on priority basis.
2. That the honourable court be pleased to arrest or/and suspend the ruling of the Deputy Registrar slated for delivery on the 26.3.2020 pending the hearing and determination of this application.
3. Leave be granted to the 1<sup>st</sup> and 2<sup>nd</sup> applicants/defendants to amend item No. 1 in the Bill of Costs dated 9.12.2019 and filed in court on the 16.12.2019, as per the attached amended draft bill of costs.

In the alternative to prayer No. 3 hereinabove, the 1<sup>st</sup> and 2<sup>nd</sup> applicants be granted leave to withdraw bill of costs dated 9.12.2019.

4. Costs of the application be in the cause.

2. The application has the following grounds:

i) There is a typing error on the value of subject matter

ii) That the value of the subject matter was typed as Kshs.2,005,000/= instead of Kshs.200,000,000/=

iii) That the error is purely typographical and amending the figure will not prejudice any party.

iv) That the amendment is necessary for purposes of determining the real question in controversy, which is the amount of instruction fees taxable.

3. On **27<sup>th</sup> January, 2020**, the parties, by consent, agreed that the court can grant limb 2 of the prayers that is: In the alternative to prayer 3 herein above, the 1<sup>st</sup> and 2<sup>nd</sup> applicants be granted leave to withdraw the bill of costs dated **9.12.2019**.

4. In the circumstances, the 1<sup>st</sup> and 2<sup>nd</sup> applicants' bill of costs dated **9<sup>th</sup> December, 2019** is hereby marked as withdrawn with no order as to costs.

**Delivered in open court at Chuka this 27<sup>th</sup> day of January, 2020**

in the presence of:

CA: Ndegwa

Murango Mwenda for the Applicant

Murimi Murango for the Respondent

**P. M. NJOROGE,**

**JUDGE.**