



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT**

**AT CHUKA**

**MERU MISCELLANEOUS APPLICATION CASE NO. 06 OF 2020**

**KINYUA THURANIRA.....APPLICANT**

**VERSUS**

**MOSES M. G. MINYORI .....RESPONDENT**

**RULING**

1. This application is dated **2<sup>nd</sup> March, 2020** and was brought to court under Certificate of urgency. It seeks orders:-

1. That this application be certified urgent and be heard ex-parte in the first instance.

2. That the applicant be granted leave to file an appeal out of time against the judgment of Hon. Sogomo G. Senior Principal Magistrate delivered on 28.11.2019 in Tigania CM ELC No. 192 of 2014.

3. That this honourable court be pleased to order the annexed Memorandum of Appeal as duly filed.

4. That costs of this application be provided for.

2. The application is supported by the applicant's affidavit and has the following grounds:

a. That judgment in Tigania CM ELC No. 192 of 2014 was delivered on 21.11.2019 against the applicant herein.

b. That the applicant was aggrieved by the decision of the court in the said judgment and wrote to the court requesting for typed copies of the proceedings and judgment of the court to enable him file an appeal.

c. That the typed certified copies of the proceedings were furnished to the applicant outside the time limitation period provided for filing an appeal.

d. That the delay in filing an appeal was due to reasons beyond the applicant's control and if the application is not allowed the applicant stands to suffer substantial loss.

e. That the intended appeal raises arguable grounds with high chances of success.

f. That the application has been made without undue delay and the respondent will not be prejudiced if the orders sought are granted.

g. That it is in the interest of justice that the application be allowed and the prayers sought be granted.

3. At the ex-parte stage the applicant was not in court.

4. It is directed that the application be heard by the **Honourable Lady Justice Lucy Mbugua, ELC Judge, at Meru on 24<sup>th</sup> March, 2020.**

**Delivered in open Court at Chuka this 11<sup>th</sup> day of March, 2020** in the presence of:

CA: Ndegwa

Parties not in court

**P. M. NJORGE,**

**JUDGE.**