



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT CHUKA

MERU ELC APPEAL CASE NO. 227 OF 2013

JADIEL KIRONGO M'ITHIANO APPLICANT

VERSUS

JULIUS GATOBU M'ITHIANO.....1ST RESPONDENT

JULIA MUGITO.....2ND RESPONDENT

RULING

1. This application has been brought to court under Order 45 Rule 1, Order 51 Rule 1 of the Civil Procedure Rules, Sections 1A, 1B and 3A of the Civil Procedure Act and all other enabling provisions of the law.

2. The application seeks the following orders:-

1. That this honourable court be pleased to certify this application as urgent and be heard on priority basis.
2. That the honourable court be pleased to review its ruling dated on 3rd December, 2019 in particular paragraph 13 (d) by substituting Meru Land Registrar with Meru District Surveyor.
3. That the costs of this application be provided for.

3. The application is supported by the affidavit of Julia Mugito and has the following grounds:-

1. That order number 3 as was delivered in the ruling is unenforceable as it is.
2. That it is the District Surveyor who can do the subdivisions and not the Land Registrar.
3. That there is sufficient reason to warrant the court to interfere with its ruling.

4. When the matter came up for ex parte hearing under a certificate of urgency, the applicant was not in court.

5. I issue the following orders:

- a. The applicant to properly serve the application upon the respondent.
- b. Hearing of the application to take place before the **Hon. Lady Justice Mbugua, ELC Judge, at Meru on 31.3.2020.**

Delivered in open Court at Chuka this 4th day of March, 2020 in the presence of:

CA: Ndegwa

Applicant not in court.

P. M. NJOROGE,

JUDGE.