



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT MERU

JR 13 OF 2018

IN THE MATTER OF AN APPLICATION FOR JUDICIAL REVIEW ORDERS OF PROHIBITION AND OF MANDAMUS

AND

IN THE MATTER OF SECTION 8 & 9 OF THE LAW REFORM ACT LAWS OF KENYA

AND

IN THE MATTER OF THE RECORDS THE PROPRIETORSHIPS OF THE LAND PARCELS NUMBERS AKIRANG'ONDU

'A'/5796 AND AKIRANGONDU 'A'/2966 BOTH IN IGEMBE NORTH

BETWEEN

REPUBLIC.....APPLICANT

VERSUS

THE DIRECTOR OF LAND ADJUDICATION.....1ST RESPONDENT

THE DISTRICT LAND ADJUDICATION & SETTLEMENT OFFICER IGEMBE

NORTH DISTRICT.....2ND RESPONDENT

THE CHIEF LAND REGISTRAR.....3RD RESPONDENT

THE DISTRICT LAND REGISTRAR IGEMBE.....4TH RESPONDENT

THE HON. THE ATTORNEY GENERAL.....5TH RESPONDENT

JAPHET KAMONYO.....INTERESTED PARTY

EXPARTE APPLICANT.....REUBEN LIRIA

RULING

1. This ruling is in respect of the notice of motion dated 28.1.2020 where applicant is seeking orders to set aside the order of 15.1.2020 where this suit was dismissed.
2. The grounds in support of the application are premised on the face of the application and on the supporting affidavit of counsel for the exparte applicant. The counsel for the applicant has given a plausible explanation that on 15.1.2020, his car broke down and he arrived in court just few minutes past 9.00 o'clock.
3. The application is unopposed. I find that the present application was filed timely few days after the dismissal of the suit. I also have no reason to doubt that the counsel for the exparte applicant arrived in court on the date of 15.1.2020 albeit late.
4. I find that the application is merited. The same is allowed with no orders as to costs.

DATED, SIGNED AND DELIVERED AT MERU THIS 21ST DAY OF MAY, 2020

HON. LUCY. N. MBUGUA

ELC JUDGE

ORDER

The date of delivery of this ruling was given to the parties at the conclusion of the hearing and by a fresh notice by the Deputy Registrar. In light of the declaration of measures restricting court operations due to the *COVID-19 pandemic* and following the practice directions issued by his Lordship, the Chief Justice dated 17th March, 2020 and published in the Kenya Gazette of 17th April 2020 as Gazette Notice no.3137, this ruling has been delivered to the parties by electronic mail. They are deemed to have waived compliance with order 21 rule 1 of the *Civil Procedure Rules* which requires that all judgments and rulings be pronounced in open court.

HON. LUCY N. MBUGUA

ELC JUDGE