

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA ELC CASE NO 99 OF 2017

FORMERLY MERU HCC NO. 73 OF 2006

EMILIO MARANGU M'NDIIRI.....PLAINTIFF

VERSUS

ANJERO MUNENE MARINDI..... 1ST DEFENDANT

LAWRENCE ANTONY KINYUA.....2ND DEFENDANT

FAITH NKINGA KABUCHA.....3RD DEFENDANT

RULING

1. This application was slated for interpartes hearing on **11.7.2017**. The defendants were not in court. The plaintiff Emilio Maranga M'Ndiiri was in court. His advocate, Mwenda Mwarania, was absent.

2. It is noted that on 9th July, 2009, the Hon. Mary Kasango vacated the extant interim orders. In the circumstances, I am unable to grant interim orders in terms of prayers 3 and 4.

3. In the interest of Justice, and noting that this application was filed 11 years after the suit was filed and also taking into account that the Hon. Lady Justice Kasango had opined that if the plaintiff won this case, damages would be a sufficient remedy, I do not wish to contradict her. The amendment of the originating summons, as sought, will further delay the hearing and disposal of this suit. To remedy this situation, I order the expeditious hearing of this suit.

4. In the circumstances, this application is dismissed.

5. The suit will be heard on 28.09.2017.

6. The plaintiff is ordered to serve the defendants with the orders issued today by the court, including the date fixed for hearing.

7. Costs shall be in the cause.

8. It is so ordered.

Delivered in open court at Chuka this **11th day of July, 2017** in the presence of:

CA: Ndegwa

Emilio Marangu M'Ndiiri - plaintiff

P.M. NJOROGE

JUDGE