



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

ENVIRONMENT AND LAND CASE NO 66 OF 2015

M'KEA MUGWAIKAPLAINTIFF

VERSUS

MIRUNGU MARIGI (Sued as the Legal Representative of the Estate of the late

M'MARIGI MUNGANIA alias MARIGI MUNGANIADEFENDANT

RULING

This application is dated 14/03/2016 and seeks orders:

1. ***THAT this Application be certified urgent and be heard on priority basis.***
2. ***THAT this Honourable Court be pleased to take evidence of JUNIUS NDUBI MAGIRI de bene esse.***
3. ***THAT costs be provided for.***

The application is supported by the affidavit of Mirungu Magiri, the defendant and has, inter alia, the following grounds:-

- a. ***THAT the witness is advanced in age, he is 88 years old.***
- b. ***THAT the witness has been having health problems and has been visiting the hospital on several occasions and his evidence is important to this case.***
- c. ***THAT it is only fair , just and equitable that this application be allowed to meet the ends of justice.***

When the matter came up for consideration in Court on 13/4/2016, it transpired that the application was not opposed. It is , therefore, allowed. I order as follows:-

1. ***The evidence of JUNIS NDUBI MAGIRI, a witness for the defendant be heard on 5/5/2016.***
2. ***Costs shall be in the cause.***

It is so ordered.

DELIVERED IN OPEN COURT AT MERU THIS 13TH DAY OF APRIL, 2016 IN THE PRESENC OF:-

CC: Daniel /Lilian

Kiogora for the Plaintiff

Mwanzia for the Defendant

P.M. NJOROGE

JUDGE