

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT MERU

ELC CASE NO. 18 OF 2014

VERONICA LEWIS MOLIA.....PLAINTIFF/APPLICANT

VERSUS

IBRAHIM JIRMA.....1ST RESPONDENT

CABINET SECRETARY MINISTRY OF LANDS,

COUNTY GOVERNMENT OF ISIOLO... 2ND RESPONDENT

ATTORNEY GENERAL..... 3RD RESPONDENT

RULING

1. This ruling is in respect of the application dated 12.3.2020 where the applicant is praying for an order of temporary injunction restraining the respondents or their agents from interfering with land parcel No.184 pending the determination of this suit. The applicant avers that the land was allocated to her and she has put up a school there. Her former advocate had filed a similar application which was withdrawn.

2. I have considered all the issues raised herein and the submissions of the plaintiff. In particular, this court has taken into account the age of the matter. The court should not be hearing applications for injunction when the matter has been live in court for the last five plus years. The applicant should instead focus on having the matter heard on merits considering that her application for amendment of the plaint was allowed and defense had also withdrawn a Preliminary Objection.

3. In the spirit of Active Case Management geared towards the fair and prompt disposal of disputes, I decline to grant any orders at this stage- see **Elias Borana Laichena & Another vs. Micheal Kirimi Kobia Meru ELC Appeal No.16 of 2019**. The application dated 12.3.2020 is hereby dismissed with no orders as to costs.

4. This matter is to be heard on 27.1.2021.

DATED, SIGNED AND DELIVERED AT MERU THIS 30TH DAY OF SEPTEMBER, 2020

HON. LUCY. N. MBUGUA

ELC JUDGE

ORDER

The date of delivery of this Ruling was given to the advocates for the parties through a virtual session via Microsoft teams on 15.7.2020. 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