



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT CHUKA

CHUKA ELC CASE NO. 18 OF 2019

FORMERLY MARIMANTI ELC 48 OF 2017

FORMERLY CHUKA ELC 191 OF 2017

DALCO TRADING CENTREAPPLICANT/PLAINTIFF

VERSUS

KAMAITA IMATHIU.....1ST RESPONDENT/DEFENDANT

LAWRENCE N. MUGAMBI.....2ND RESPONDENT/DEFENDANT

MOHAMED HASHIN JAMAH.....3RD RESPONDENT/DEFENDANT

LAND REGISTRAR, THARAKA NITHI COUNTY.....4TH RESPONDENT/DEFENDANT

RULING

1. The defendants in this matter asked the court to defer hearing of this suit pending hearing and determination of the plaintiff's application **dated 12th August, 2020**. The applicant was adamant that the application which sought a stay of execution of orders granted at Marimanti Law Courts did not affect the main hearing as the main suit concerned ownership of the property which determination would bring to a close the entire suit.

Whereas both parties have valid and cogent reasons in support of their diametrically opposed assertions, due to abundance of caution on the court's part and also to pursue the trodden path, I am persuaded that the apposite application should be dispensed with first before hearing of the main suit proceeds. To hasten the hearing and determination of this suit the following orders are issued:

1. The applicant for the application dated **12th August, 2020** is granted 3 days to further respond and all parties are granted open leave to further respond, as and if necessary, within 10 days of today **AND** all parties are to file their submissions within 14 days after close of the responses.

2. The parties will come back to court for directions regarding the application and for full **hearing** of the **main suit** on **21st October, 2020**.

Delivered in open Court at Chuka this 22nd day of September, 2020 in the presence of:

CA: Ndegwa

Murango Mwenda for 1st and 2nd defendants

Siagi for the plaintiff

Wanyaga for the 3rd defendant

Kiongo for the 4th defendant

P. M. NJORGE,

JUDGE.