



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA ELC SUIT NO. 1 OF 2019 (OS)

ZIPPORAH KARIGU MUGAMBI alias

M'MUGAMBI NGITI.....1ST PLAINTIFF

JOHN MWATHI M'MUGAMBI.....2ND PLAINTIFF

JEREMIAH MARAUKO MUGAMBI.....3RD PLAINTIFF

BEATRICE GACUNKU.....4TH PLAINTIFF

DAVID MUTUGI KARIGU.....5TH PLAINTIFF

JOSPHAT NJERU KIAYA.....6TH PLAINTIFF

VERSUS

SABERA GAKUNDI MWITHI.....1ST DEFENDANT

BEATRICE KATHAMBI.....2ND DEFENDANT

CHARITY KAINDI.....3RD DEFENDANT

VIRIGINIA MUTHONI.....4TH DEFENDANT

JOHN KIMATHI.....5TH DEFENDANT

ALICE KARIMI.....6TH DEFENDANT

JAMES MUTUGI MWANTI.....7TH DEFENDANT

GERALD MUGAMBI.....8TH DEFENDANT

JAMES MWENDA MWITHI alias

JOHN KIMATHI.....9TH DEFENDANT

STANLEY MURITHI NYAMU.....10TH DEFENDANT

MARY WAMBUI MWOB.....11TH DEFENDANT

RULING

1. This suit was slated for hearing on 12.10.2020. When the matter came up for hearing the defendants' advocate and 7 of the 11 defendants were not in court.

2. Miss Ambani, holding brief for Mr. Kaai, the defendants' advocate told the court that Mr. Kaai had suddenly fallen ill. She asked the court to give the matter another hearing date.

3. Miss Mutegi, the plaintiffs' advocate decried the fact that although the defendant's advocate had her contacts, he did not deem it necessary to contact her. She asked the court not to adjourn the matter.

4. I deprecate that the hearing of this suit is being adjourned on the hearing date when the said date was given in the company and with the consent of the parties' advocates.

5. In the greater interest of justice, however, I will give the parties another hearing date. I will also order that costs be awarded to the plaintiffs and their advocate, to be assessed by the Deputy Registrar.

6. The following orders are issued:

a) Costs are awarded to the plaintiffs and their advocates and the same to be assessed by this court's Deputy Registrar,

b) The suit will be heard on **19.10.2020**.

Delivered in open Court at Chuka this 12th day of October, 2020 in the presence of:

CA: Ndegwa

Miss Mutegi for the plaintiffs

Kaai Mugambi for the defendants

P. M. NJOROGI,

JUDGE.