

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

MERU ELC MISCELLANEOUS CASE NO. E011 OF 2020

DUBA WARE.....APPLICANT

VERSUS

HELLEN HAKULE HALAKHE.....RESPONDENT

RULING

1. This application was handled in Chambers without the presence of the applicant due to Covid – 19 concerns.
2. This application states that it has been brought to court under Order 51 Rule 1 and Order 50 Rule 6 of the Civil Procedure Rules.
3. I do note that the applicant states that he could not file the intended appeal within the stipulated time because there was delay in the typing and releasing of the proceedings in the lower court. Judgment was delivered on 24th June, 2020. As the proceedings were supplied on 25th August, 2020, the period between 24th June, 2020 and 25th August, 2020 is excludable for purposes of determining if or if not time for an intended appeal can be extended.
4. However, this application has been filed close to four months after the period intimated in the certificate of delay. I deem that this is delay that deserves explaining to court.
5. In the circumstances, the following orders are issued:
 - a) This application is **NOT** certified urgent **BUT** will be heard on priority basis.
 - b) The applicant is directed to properly serve the respondent within 14 days of today.
 - c) The application will be heard interpartes at Meru by the Hon. Lady Justice Lucy Mbugua on **10th February, 2021**.

Delivered in Chambers at Chuka this 22nd day of December, 2020 in the presence of:

CA: Ndegwa

P. M. NJORGE,

JUDGE.