



THE JUDICIARY



REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MURANG'A
ELCL MISC NO E007 OF 2024

JAMES GITAU MWAURA..... PLAINTIFF

VERSUS

ESTHER MUTHONI MAINADEFENDANT

RULING

- 1) This ruling is on the notice of motion dated 14-8-2024. The motion which is by the Applicant seeks three prayers.
 - (i) **Reinstatement of the application dated 16-8-2024 which was dismissed for want of prosecution.**
 - (ii) **A hearing date for the dismissed application.**
 - (iii) **Any other orders the Court deems expedient in the interest of justice.**
- 2) The motion which does not cite the provisions of law under which it is brought is based on six(6) grounds and is supported by an affidavit, by Gichuki Muriithi advocate, dated 14-8-2024. Just like the motion missing on the law on which it is brought, the affidavit misses on the name of the Deponent and his identity and the jurat.
- 3) The record will show that on 22-10-2024, directions were given that the application for reinstatement be heard. It has never been heard. It seems to have been overtaken by the notice of motion dated 11-3-2025, if at all it can be called a notice of motion. It does not contain the orders sought on the face. They appear somewhere on page 2 and they seem out of tune with what ought to be pending before this court or what the Applicant seeks.
- 4) Given all this confusion and uncertainty, I find that in order not to prejudice an innocent

litigant, I will give time to the Applicant's counsel to put his house in order and file a proper application.

It is so ordered.

Dated, Signed and Delivered virtually at Murang'a this 30^h day of September, 2025.

**M.N. GICHERU
JUDGE.**

Delivered online in the presence of; -
Court Assistant – Mwangi Njonjo
Applicant's Counsel – Absent.
Respondent's Counsel – Mr Kirubi