

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT MERU

ELC CASE NO. 195 OF 2016

GREGORY GITUMA.....PLAINTIFF/APPLICANT

VERSUS

M'RUKWARU M'MWOGONE.....DEFENDANT/RESPONDENT

RULING

1. The application dated 29.11.2018 seeks the following orders:

(i) The honourable court be pleased to set aside the dismissal order dated 22nd November 2018 and reinstate the suit back for hearing on merit.

(ii) Costs be provided for.

2. The application is supported by the grounds on the face of the application and the supporting affidavit of the applicant.

3. The applicant contends that he was prevented from attending court due to the country wide matatu crack down.

4. I find that the reasons advanced by the applicant as to why he failed to attend court are the same ones which were given to the court on 22.11.2018.

5. However, this time round, the applicant has explained that he was travelling from a place called Rwanyange which is 20 Kilometres from Meru. Due to the Matatu crackdown, the vehicle he was travelling in was detained by police thus delaying applicant's arrival to court. I will grant the applicant another opportunity to prosecute the case but he must remain vigilant and ensure that he attends court promptly.

6. Costs in the cause.

DATED, SIGNED AND DELIVERED IN OPEN COURT AT MERU THIS DAY OF 30TH JANUARY, 2019 IN THE PRESENCE OF:-

C/A: Kananu

E. Kimathi holding brief for Kimathi K. for plaintiff

HON. LUCY. N. MBUGUA

ELC JUDGE