



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT AT CHUKA**

**ELCL MISCELLANEOUS CASE NO. E019 OF 2025**

**PETER GITARI J. RINDILLE.....**  
**.....APPLICANT**

**=VERSUS=**

**KENYA ARINDIRE alias M'KENYA M'RINDIRI.....**  
**RESPONDENT**

**RULING (EX-TEMPORE)**

- 1.** The applicant instituted this cause as a miscellaneous application. It was instituted through the instrument of a summons. The title bears the word: ***"IN THE CHIEF MAGISTRTE'S COURT AT CHUKA."*** The summons was nonetheless instituted in the Environment and Land Court, a superior court.
- 2.** On 16/9/2025, this court directed the applicant to attend court today to address the court on why he cannot ventilate his claim on the platform of a plaint. The applicant/claimant has not attended court today.
- 3.** In the circumstances, the court is of the view that this suit is fatally defective on two grounds: (i) it was instituted

through a summons as opposed to a plaint; and (ii) it was instituted in the Environment and Land Court yet the summons is clear that it was meant to be instituted in the Chief Magistrate Court. Consequently, the suit is struck out with no order as to costs. The applicant shall be at liberty to file a fresh suit in a competent court. The file shall be marked "case closed."

**DATED, SIGNED AND DELIVERED AT CHUKA THIS 24TH DAY OF SEPTEMBER, 2025.**

**B M EBOSO [MR]**

**ELC JUDGE**

**In the Presence of:**

Applicant - Absent

Respondent - Absent

Court Assistant - Mr. Mwangi