



Bosire & another v Ongeru (Environment and Land Miscellaneous Case E001 of 2025) [2025] KEELC 6675 (KLR) (2 October 2025) (Ruling)

Neutral citation: [2025] KEELC 6675 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT KISII
ENVIRONMENT AND LAND MISCELLANEOUS CASE E001 OF 2025**

M SILA, J

OCTOBER 2, 2025

BETWEEN

JOHNSTONE ONDONGA BOSIRE 1ST APPLICANT

JOEL NCHORE ARAKA 2ND APPLICANT

AND

ALBERT MARUBE ONGERI RESPONDENT

RULING

(Application to reinstate an application dismissed for non-attendance; application not opposed; application allowed)

1. The application before me is that dated 29 May 2025 filed by the applicants. They seek orders to have their application dated 18 December 2024 to be reinstated. The said application was dismissed on 5 May 2025 for non-attendance.
2. The application is supported by the affidavit of the applicants. The reason they have given is that they thought that the application had been listed for hearing on 8 May 2025 and they served a hearing notice to that effect hence their non-attendance on 5 May 2025.
3. The application is not opposed.
4. I observe that the hearing date of 5 May 2025 was given in court on 7 April 2025 in the presence of Mr. Sagwe, learned counsel for the applicant. He however did not appear on 5 May 2025 hence the order of dismissal. It is now said that counsel mis-diarised the matter for 8 May 2025 instead of 5 May 2025. I will give the applicants the benefit of doubt.
5. I will thus allow the application and reinstate the motion dated 18 December 2024. Further directions on the hearing of that motion will be given upon delivery of this ruling.



6. There will be no orders as to the costs of this motion.

7. Orders accordingly.

DATED AND DELIVERED THIS 2ND DAY OF OCTOBER, 2025

JUSTICE MUNYAO SILA

JUDGE, ENVIRONMENT AND LAND COURT AT KISII

