

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA ELC CASE NO. 07 OF 2018 (OS)

METHODIST CHURCH IN KENYA TRUSTEES REGISTERED

(FOR MCK KARWAMBA CHURCH.....PLAINTIFF/APPLICANT

VERSUS

HAND OF GOD MINISTRIES (K) CHURCH....DEFENDANT/RESPONDENT

RULING

1. There is a request for **interlocutory judgment under Order 10 Rule 6** of the **Civil Procedure Rules** filed by the plaintiff's advocate on **15th January, 2019**.

2. Order 10 Rule 6 reads as follows:

“Where the plaint is drawn with a claim for pecuniary damages only or for detention of goods with or without a claim for pecuniary damages, and any defendant fails to appear, the court shall, on request in Form No. 13 of Appendix A, enter interlocutory judgment against such defendant, and the plaintiff shall set down the suit for assessment by the court of the damages or the value of the goods and damages as the case may be.”

3. It is clear that the claim herein is not for pecuniary damages or for detention of goods.

4. In the circumstances, the request for interlocutory judgment is hereby dismissed.

5. The plaintiff will come back to court on **24.4.2019** for directions.

6. It is so ordered.

Delivered in open Court at Chuka this 26th day of March, 2019 in the presence of:

CA: Ndegwa

Miss Njenga for the plaintiff

P.M. NJOROGE

JUDGE