

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT MERU

MISC 9 OF 2019

M'MITHEA M'IMATHIU.....APPLICANT

VERSUS

MIRITI NCHOORO.....RESPONDENT

INTERIM RULING

1. In the application dated 11.2.2019, this court has been called upon to stay/vary the exparte orders issued on 20.12.2018. Applicant seeks for an opportunity to be heard. The exparte orders were apparently given in Tigania ELC case no. 209 of 2018.
2. The respondent has filed a Preliminary Objection dated 13.2.2019 averring that the application offends the rules of procedure since such an application ought to be made before the trial court.
3. The court directed that both the application and Preliminary Objection be argued together.
4. It has emerged that there is another suit in Maua No. 148/11, same parties, same subject matter. This court is desirous of perusing the two files in order to make an informed decision.
5. Pursuant to provisions of section 13 (5) of the Environment and Land Court Act, I hereby direct that the two files - Maua CMCC No. 148/11 and Tigania ELC No. 209/2018 be called for to this court for perusal and directions. The Deputy Registrar of this court to ensure compliance with this order.
6. Meanwhile, the order of status quo given on 15.2.2019 is to remain in force.

DATED, SIGNED AND DELIVERED IN OPEN COURT AT MERU THIS DAY OF 20TH MARCH, 2019 IN THE PRESENCE OF:-

C/A: Kananu

Respondent

HON. LUCY. N. MBUGUA

ELC JUDGE