

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT OF KENYA

AT ELDORET

E & L NO. 107 OF 2014

WILLIAM KANGOGO NYONGI.....PLAINTIFF

VERSUS

WILFRED KIPROTICH CHEBII.....DEFENDANT

RULING

The plaintiff prays that the court does set aside the orders made on 19.2.2019 dismissing the plaintiff's case together with all other consequential orders and do reinstate the suit.

I have considered the application and do find that the file was placed before the court on 19.2.2019 and yet it was scheduled for hearing on 19.3.2019 and the suit was dismissed for non-attendance.

This was a very serious error on the face of record as the matter was placed before the Judge wrongly. Mr. Kigen who appeared before court did not inform the court of the error.

Ultimately, the order made on 19.2.2019 dismissing the plaintiff's suit is set aside **ex debito justitiae**. The suit is hereby reinstated.

Dated and delivered at Eldoret this 30th day of May, 2019.

A. OMBWAYO

JUDGE