

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND

AT ELDORET

ELC NO 364 OF 2016

BARNABA MALAKWEN SAWE.....PLAINTIFF

VERSUS

WILLY KIPCHOGE.....DEFENDANT

RULING

This ruling is in respect of the application dated 20th February, 2018 by the Defendant/Applicant seeking for orders of setting aside ex-parte orders made on 20th December,2017. The Defendant also seeks that an order of status quo be granted.

I have considered the reasons given by Counsel for the Applicant for not attending court when the orders were granted Ex-parte Counsel has annexed documentary proof that he had not put the matter in his diary and that failure to attend court was not intentional.

The Defendant is also in occupation of the suit land. I will therefore exercise my discrepancies and in the interest of justice set aside the Ex-parte orders granted on 20th December, 2017 and substitute it with an order of maintenance of status quo till this suit is heard and determined.

Costs in the cause.

Dated and delivered at Eldoret this 16th day of May, 2019

M.A ODENY

JUDGE