

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT MERU

ELC CASE NO. 225 OF 2012

DANIEL MURUNGI MWIRABUA ANAMPIU.....PLAINTIFF

VERSUS

JEREMIAH JOHN alias JEREMIA GUANTAIDEFENDANT

RULING

1. The parties herein closed their case on 6.3.2019. Thereafter, counsel for the interested party made an application for the court to visit the scene to establish the location of parcel's No.'s 272, 106, and 281 and also to find out who is in occupation of the said parcels of land and for how long such parties have occupied the land.
2. The application was opposed by plaintiff's counsel who averred that this is a 2012 case and for the last 7 years, none of the parties had ever indicated that the court should visit scene. Further, the court was urged to find that all parties have closed their cases.
3. Defence side was in support of the scene visit.
4. I have considered all the arguments raised herein. Whereas it is true that a scene visit can be conducted at any stage of the proceedings, the fact remains that a suit belongs to the parties.
5. For the last 7 years, no such application for a scene visit was ever made. No plausible reasons have been advanced as to why the need for a scene visit has arisen after parties have closed their cases.
6. I therefore disallow the application for the scene visit.

DATED, SIGNED AND DELIVERED IN OPEN COURT AT MERU THIS 8TH DAY OF MAY, 2019 IN THE PRESENCE OF:-

C/A: Kananu

Kithaka holding brief for Gichunge for interested party

C.P Mbaabu holding brief for Kiome for defendant

Mutegi for plaintiff

Plaintiff

HON. LUCY. N. MBUGUA

ELC JUDGE