

REPUBLIC OF



KENYA

IN THE ENVIRONMENT AND LAND COURT AT MERU

ELC CASE NO. 79 OF 2019

COL. (RTD) DR. HENRY MUTHEE

KATHURIMA.....APPLICANT

-VERSUS-

COUNTY GOVERNMENT OF MERU.....1ST

DEFENDANT

CHIEF LAND REGISTRAR.....2ND

DEFENDANT

RULING

(EX-TEMPORE)

1. The court has considered the plea for an adjournment. The defence which ***M/s Kiautha Arithi & Co Advocates*** are conducting is that of the 1st defendant. If the 1st defendant is disinterested in prosecuting their defence, that is not a proper ground for an adjournment. Whereas the court appreciates the predicament of ***M/s Kiautha Ariithi & Co Advocates***, it is not lost to the court that the defence which the said lawyers are seized of is that of the 1st defendant. If the said defendant does not want to present its defence evidence, the court will not force it to do so. Similarly, its refusal to present defence evidence cannot be a proper basis for an adjournment.

2. For the above reason, the plea for an adjournment is declined.

DATED, SIGNED AND DELIVERED AT MERU THIS 2ND DAY OF FEBRUARY, 2026.

B M EBOSO

ELC JUDGE

In the presence of:

Mr Mwirigi Kaburu for the Plaintiff.

Mr Gikunda Kiautha holding brief for Mr Kiautha Arithi for the 1st Defendant.

2nd Defendant - Absent

Court Assistant - Mr. E. Tupet