



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT MERU

ELCL (OS) CASE NO. E013 OF 2024

ELIPHAS KINYUA

MWOBOBIA PLAINTIFF

-VERSUS-

LUCY GACHERI1ST

DEFENDANT

NAHASHON GITONGA NKANDO2ND

DEFENDANT

RULING

(EX-TEMPORE)

1. This matter was scheduled for hearing of the defendants' application dated 16/1/2026 on 3/3/2026. The court will be on leave in March 2026. For this reason, the court listed this matter for mention today to allocate it a fresh hearing date.
2. Counsel for the plaintiff has today submitted that the plaintiff no longer opposes the application dated 16/1/2026 and that the defendant may be granted leave to bring their counterclaim.

3. Although this matter was filed as an originating summons, there is no harm in the exhibited draft counterclaim being filed in the suit. Consequently, the replying affidavit dated 27/3/2025 shall be treated as the defendants' joint defence. In addition, the defendants shall be at liberty to file and serve their counterclaim within 7 days. Parties will thereafter file and exchange their trial bundles. Mention on 14/4/2026 for pre-trial.

DATED, SIGNED AND DELIVERED AT MERU THIS 12TH DAY OF FEBRUARY, 2026.

**B M EBOSO [MR]
ELC JUDGE**

In the presence of:

Ms Kajuju holding brief for Mr Mwarania for the defendants.

Ms Mugo for the plaintiff.

Court Assistant - Mr. E. Tupet