

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA ELC CASE NO. 12 OF 2018

NJERU PHILLIP NJOKA.....APPLICANT

VERSUS

BENJAMIN COLLINS MATI.....1ST RESPONDENT

GERRALD NYAGI WILSON.....2ND RESPONDENT

RULING

1. When this matter came up for directions on 19th June, 2019, the parties urged the court to consider the defences in this case as defences in ELC Numbers 10, 11, 13 and 14, all of 2018, which all share the same defendants. This matter was canvassed again on 24th June, 2019.

2. The court notes that ELC number 14 of 2018 will be heard on 8th July, 2019. I, therefore, do not allow the defences in ELC 12 of 2018 to be defences in ELC 14 of 2018. This issue will be canvassed on 8th July 2019 when ELC 14 of 2018 will be heard.

3. In the circumstances it is directed as follows;

- a) Defences in ELC 12 of 2018 (OS) are adopted as defences in ELC Numbers 10, 11 and 13 (all OS) and of 2018
- b) All parties to simultaneously file written submissions including soft copies thereof, within 21 days of today.
- c) By consent, parties to come to court for directions on 23.9.2019.

4. Orders accordingly.

Delivered in open Court at Chuka this 24th day of June, 2019 in the presence of:

CA: Ndegwa

IC Mugo for the Plaintiff/Applicant

M/s Ambani for the 2nd Defendant/Respondent

Benjamin Collins Mati – 1st Defendant/Respondent

P.M. NJOROGI

JUDGE