



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT AT CHUKA**

**CHUKA ELC MISC. APPLICATION CASE NO. 02 OF 2019**

**GILBERT JOSEPH KIBUNJA ALIAS GILBERT JOSEPH KIBUNJA**

**ALIAS GILBERT JOSEPH KABUNJA**

**VERSUS**

**THE COUNTY GOVERNMENT OF THARAKA NITHI.....1<sup>ST</sup> RESPONDENT**

**LAND ADJUDICATION AND SETTLEMENT OFFICE**

**MERU SOUTH SUB COUNTY.....2<sup>ND</sup> RESPONDENT**

**RULING**

1. When this matter came up for interpartes hearing on 12.6.2017, the 1<sup>st</sup> respondent indicated that he had filed a Preliminary Objection. The applicant applied that he be granted 7 days to respond to the Preliminary Objection. The 1<sup>st</sup> respondent sought leave to introduce the proceedings before the Minister through a Preliminary Objection.
2. The applicant and the 1<sup>st</sup> respondent asked the court to allow both the application and the Preliminary Objection be canvassed through written submissions and that this be done simultaneously.
3. It is regretted that the AG, representing the 2<sup>nd</sup> Respondent, is absent although he was in court on 21<sup>st</sup> May, 2019 when today's date was fixed.
4. This court issues the following orders:
  1. 1<sup>st</sup> Respondent granted leave to file and exchange a further affidavit to introduce the proceedings before the Minister within 7 days of today AND the applicant is granted leave to file a further affidavit in response to the Preliminary Objection within 7 days of today.
  2. Parties are granted leave to file responses, if necessary, within 14 days of today.
  3. Parties are directed to concurrently file and exchange written submissions within 21 days of today.
  4. Parties to take **directions** on **1<sup>st</sup> of July, 2019**.

Delivered in open Court at Chuka this **12<sup>th</sup> day of June, 2019** in the presence of:

CA: Ndegwa

Mungai for the Applicant

Murango Mwenda for 1<sup>st</sup> Respondent

**P.M. NJOROGE**

**JUDGE**