



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LANDS COURT AT NAROK

ELC CAUSE NO. 172 OF 2017

HANNAH NJOKI WAHINDI.....1ST PLAINTIFF

RUFUS MWANGI.....2ND PLAINTIFF

-VERSUS-

THE ATTORNEY GENERAL.....1ST DEFENDANT

JANE NDATA.....2ND DEFENDANT

GRACE WAMBUI.....3RD DEFENDANT

CHRISTINE MUTHONI.....4TH DEFENDANT

RULING

By an Application dated 5th December, 2018 and brought under section 1A,1B and 3A of the Civil Procedure Rules the Applicant sought for orders to reinstate the suit and upon grants of the orders of reinstatement the suit herein be transferred to Nakuru Environment and Land Court for hearing and determination.

The Application is based on the grounds that the suit was erroneously transferred to Narok Environment and Land Court though the suit was part heard before Nakuru Environment and Land Court and was awaiting Defence Hearing and that no Notice was served upon the parties and their advocates on the transfer of the suit to Narok Environment and Land Court. The Application was further based on the Affidavit of the Applicants even though the Application was served upon the Respondents they never filed any Replying Affidavit nor their submissions despite being given the chance to do so and thus the Application remains unchallenged and uncontested.

I have perused the record and find that the suit herein was dismissed by the court on 19th April, 2019 for want of prosecution as the parties and their advocates were absent. From the record it is evident that the parties were not notified that the suit had been transferred to Narok Environment and Land Court and in the circumstances I find the Applicants explanations reasonable and thus order that the suit herein be reinstated and since the suit land is situated within the jurisdiction of Nyandarua Environment and Land Court I order that the suit be transferred to Nyandarua Environment and Land Court for hearing and determination.

I will issue no orders as to costs.

DATED, SIGNED and DELIVERED in open court at NAROK on this 23rd day of July, 2019

Mohammed Kullow

Judge

23/7/19

In the presence of:

Advocates and parties absent

CA:Chuma/Kimiriny

Mohammed Kullo

Judge

23/7/19