

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA ELC CASE NO. 04 OF 2019 (OS)

RUFUS MUNYUA MUCHIRI.....PLAINTIFF/APPLICANT

VERSUS

JOHN MUCHIRI NJAGI

(sued as next of kin of John Njagi Nkanya (deceased).....DEFENDANT/RESPONDENT

RULING

1. This matter was coming up for full hearing on **23rd September, 2019**.
2. Mr. Kaminza, holding brief for M/s Ann Nyambura Kithaka, told the court that the defendant, who is not represented by an advocate, had been served with the hearing date.
3. Upon perusal of the affidavit of service filed by advocate Ann Nyambura Kithaka, the plaintiff's advocate, it is clear that the service purportedly served upon the defendant amounted to improper service. Paragraph 3 of the affidavit of service avers that the Amended Originating summons was served upon one Joseph, the defendant's brother.
4. The plaintiff is hereby directed to effect proper service upon the defendant within 21 days of today.
5. It is noted that M/s Kithaka, the plaintiff's advocate, was in court when this ruling was delivered.
6. Parties to come to court for **directions** on **22nd of October, 2019**.
7. It is so ordered.

Delivered in open Court at Chuka this **23rd day of September, 2019** in the presence of:

CA: Ndegwa

Ann Kithaka for the defendant

P.M. NJORGE

JUDGE