

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT MACHAKOS

ELC. CASE NO. 414 OF 2017

SUSAN NDUNGE MAINGI.....PLAINTIFF

VERSUS

MAINGI MUKEKA TUTO.....1ST DEFENDANT

GEORGE KARIUKI2ND DEFENDANT

JOHN GITHIRWA MAINA.....3RD DEFENDANT

PADDY KAMAU NG'ANG'A4TH DEFENDANT

DEPUTY LAND REGISTRAR, MACHAKOS.....5TH DEFENDANT

RULING

1. In the Notice of Motion dated 28th February, 2019, the 2nd, 3rd and 4th Defendants are seeking for the following orders:

a. That the order made on 29th January, 2019 staying this suit pending the determination of HCCC No. 10 of 2017 be reviewed to the extent that the present suit do proceed to a full trial to enable the court pronounce itself on the rights and interests of the parties before it.

b. That the cost of this Application be provided for.

2. Although the Application was opposed, I have noted that on 26th September, 2019, Odunga J. delivered a Judgment in Machakos High Court Matrimonial Cause No. 10 of 2017 (O.S), thus bringing to end the litigation in the said suit. That being the case, the orders that the Defendants are seeking in their Application have been overtaken by events.

3. For the reason I have given above, I find that the Application dated 26th September, 2019 is spent. Each party to bear his/her own costs.

DATED, DELIVERED AND SIGNED IN MACHAKOS THIS 18TH DAY OF OCTOBER, 2019.

O.A. ANGOTE

JUDGE