



**REPUBLIC OF KENYA**

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

**MISC APPLICATION NO. 25 OF 2019**

**ELIPHAS MUTEMBEI GITONGA .....APPELLANT**

**VERSUS**

**MBAABU MARETE.....1<sup>ST</sup> RESPONDENT**

**GITONGA MARETE ..... 2<sup>ND</sup> RESPONDENT**

**ORDER/RULING**

1. I find that the service herein was affected. Judgment was delivered on 3.4.2019 while the application was filed on 10.6.2016. there is quite some delay but again applicant avers that they were not aware of the judgment.
2. A perusal of the judgment indicates that the same was delivered in absence of the parties. In the circumstances, the application of 10.6.2019 is allowed on condition that the appeal (the memorandum of appeal) is filed and served within 14 days from today failure to which the orders given herein shall lapse.
3. This ruling is to be extracted and placed in the appeal file. This Misc. suit is marked as closed.

**DATED, SIGNED AND DELIVERED IN OPEN COURT AT MERU THIS 14<sup>TH</sup> DAY OF OCTOBER, 2019 IN THE PRESENCE OF:-**

C/A: Kananu

Mokua for applicant

**HON. LUCY. N. MBUGUA**

**ELC JUDGE**