



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT**

**AT CHUKA**

**CHUKA ELC CASE NO. 05 OF 2019**

**FORMERLY CHUKA C.M'S CIVIL CASE NO. 114 OF 2018**

**MUGERE KAMOTHO.....PLAINTIFF**

**VERSUS**

**JAMES MUCHIRI NDEGWA.....1<sup>ST</sup> DEFENDANT**

**DAVID MUTHENGI.....2<sup>ND</sup> DEFENDANT**

**JOHN NYAGA.....3<sup>RD</sup> DEFENDANT**

**M'IMWITHA M'RINTHIRA .....4<sup>TH</sup> DEFENDANT**

**JACKSON MAKUNYI KURURU.....5<sup>TH</sup> DEFENDANT**

**M'GWETA MURUA.....6<sup>TH</sup> DEFENDANT**

**NJERU NGOROI.....7<sup>TH</sup> DEFENDANT**

**ALEXANDER MUNENE MATI.....8<sup>TH</sup> DEFENDANT**

**PATRICK MUTUGI MATI.....9<sup>TH</sup> DEFENDANT**

**JOHN GITONGA MATI.....10<sup>TH</sup> DEFENDANT**

**CATHERINE KAGENDO MUTURIA.....11<sup>TH</sup> DEFENDANT**

**M'NANDI MAIKITHE.....12<sup>TH</sup> DEFENDANT**

**RULING**

1. This application, by way of Chamber Summons, is dated **23<sup>rd</sup> September, 2019** and seeks orders:

**1.That** service of Notice of Motion Application under Certificate dated 29<sup>th</sup> July, 2019 upon the 1<sup>st</sup> defendant, James Muchiri Ndegwa, be effected by way of substituted service by postage to the said James Muchiri Ndegwa's last known postal address.

**2.That** the costs of this application be in the cause.

2. The application is supported by the affidavit of Advocate Kaminza, the plaintiff's advocate, sworn on 23<sup>rd</sup> September, 2019.

3. Advocate Kuria Karatu, holding brief for M/s Ambani for the plaintiff, asked the court to allow the application as it was only meant to serve the 1<sup>st</sup> defendant, without whose service, the hearing of this suit would be delayed. He also pointed out that the application was not opposed.

4. In the circumstances, I find that this application has merit. It is allowed in terms of prayer 1 and the plaintiff is directed to effect substituted service **within 45 days of today.**

5. Costs shall be in the cause.

6. Parties to come to court for **directions on 4.12.2019**

**Delivered in open Court at Chuka this 14<sup>th</sup> day of October, 2019 in the presence of:**

CA: Ndegwa

Kuria Karatu h/b M/s Ambani for the Plaintiff

**P.M. NJOROGI**

**JUDGE**