

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT MERU

ELC CASE NO. 165 OF 2001

FREDRICK M’KITHINJI.....1ST RESPONDENT

JOSPHAT KIRIGIA.....2ND RESPONDENT

VERSUS

MERU BAKERS LTD.....APPLICANT

RULING

1. The original file no. Meru ELC 165 of 2001 is lost or cannot be found which situation triggered the filing of ELC Misc. 80 of 2016. Vide an application dated 21.9.2016, in the miscellaneous file, orders were sought for reconstruction of the file no. 165 of 2001 and an order of inhibition restraining any dealings in land parcel no. Meru/Municipality/Block II/51. Vide the ruling dated 12.7.2018, the prayer for reconstruction of the file was allowed leaving the issue of inhibition undetermined.

2. Having marked the miscellaneous file no. 80/16 as closed, then the applicant cannot purport to import and prosecute the same application in file no. 165/01. Furthermore, I note that previously, similar orders for removal of inhibition have been made via an application dated 15.12.2009. The applicants ought to shed light on whether the said application was heard or not. As at now, I find that there is nothing before this court to determine in the file no. 165 of 2001. It is so ordered.

DATED, SIGNED AND DELIVERED IN OPEN COURT AT MERU THIS 27TH NOVEMBER, 2019

IN THE PRESENCE OF:-

C/A: Kananu

Ayub holding brief for Ngunjiri for applicant

Muthomi K. holding brief for Ondari for respondents

1st respondent

HON. LUCY. N. MBUGUA

ELC JUDGE