



**REPUBLIC OF KENYA**

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

**CHUKA ELC CASE NO. 16 OF 2019**

**CHUKA IGAMBA NG'OMBE DEVELOPMENT ASSOCIATION.....PLAINTIFF**

**VERSUS**

**COUNTY GOVERNMENT OF THARAKA NITHI.....DEFENDANT**

**RULING**

1. This ruling concerns directions regarding a report filed by the County Commissioner, Tharaka Nithi County, following an order of this court.
2. Mr. Kirimi, for the plaintiff, and Mr. Gitari, for the defendant, told the court that the parties had “agreed” and “contentious issues”.
3. Having heard the parties, I issue the following orders/Directions:
  - (i) As there is no stay of the proceedings by the Court of Appeal, the defendant is directed to fully comply with Order 11 of the Civil Procedure Rules latest by **19<sup>th</sup> November, 2019** as was directed by this court on **22<sup>nd</sup> October, 2019**.
  - (ii) The advocates representing the parties are to file “agreed issues” and “contentious issues” by **18<sup>th</sup> November, 2019**.
  - (iii) As directed on **22<sup>nd</sup> October, 2019**, the main suit will be **heard on 3<sup>rd</sup> and 4<sup>th</sup> December, 2019**.
  - (iv) Parties will come to court for **directions on 19<sup>th</sup> November, 2019**.
  - (v) Extant interim orders are extended in terms of section 63, CPA, pending hearing of any unheard interlocutory applications or further orders of the court.

Delivered in open Court at Chuka this **6<sup>th</sup> day of November, 2019** in the presence of:

CA: Ndegwa

Kirimi Muturi for the plaintiff

Lilian Kiruja and Muthomi Gitari h/b Kibira for the defendant

**P. M. NJORGE,**

**JUDGE.**