



**REPUBLIC OF KENYA**  
**IN THE ENVIRONMENT AND LAND COURT**

**AT MERU**

**ELC MISC. APPL NO. 18 OF 2017**

**GEOFFREY MUTUA KARATHO (Legal Representative of  
ANDREW MBITI KARATHO.....APPLICANT**

**VERSUS**

**THE LAND ADJUDICATION AND**

**SETTLEMENT OFFICER –IGEMBE.....1<sup>ST</sup> RESPONDENT**

**THE HON ATTORNEY GENERAL.....2<sup>ND</sup> RESPONDENT**

**R U L I N G**

1. In the application dated 05:09:17, applicant is seeking for more time to file an appeal against the order of SPM in Meru C.M.C.C. No. 255 of 2011 dated 24:04:17.
2. The supporting grounds are on the face of the application and there is also a Supporting Affidavit of the applicant.
3. On 18:10:17, Kimathi B for the Respondent, informed the court that they had not been served. The Court gave directions for the Respondent to be served in the course of that day, and the Respondent was ordered to file their Replying Affidavit within 14 days.
4. The court further gave directions for the application to be canvassed by way of Written Submissions and a mention date was scheduled on 07:12:17.
5. Come 07:12:17 and Respondent had neither filed a Replying Affidavit or Submissions.
6. I have considered the arguments advanced by the applicant. In particular, I have taken into account the applicant's explanation that the memorandum of appeal was ready by 03:07:17, but could not be filed as the Court Order had not been signed until 31:07:17.
7. The delay in filing the appeal as ordered by the Court (within 14 days) is not inordinate. It is also excusable. In the circumstances, the application of 05:09:17 is allowed in the following terms:-

**1) The time within which to file an appeal is hereby extended whereby applicant is given 14 days to comply failure to which this miscellaneous application will stand as dismissed.**

**2) Costs in the cause.**

**DATED, SIGNED AND DELIVERED IN OPEN COURT AT MERU THIS DAY OF 25<sup>th</sup>  
JANUARY, 2018 IN THE PRESENCE OF:-**

**Court Assistant:** Janet/Galgalo

Nyakwana H/B Rimiti for Application Present

Attorney General for 2<sup>nd</sup> Respondent absent

**HON. L. N. MBUGUA**

**ELC JUDGE**