

REPUBLIC OF KENYA

THE ENVIRONMENT & LAND COURT

AT GARISSA

ELC CASE NO. 47 OF 2017

JONATHAN NGANGI LINDA.....PLAINTIFF

VERSUS

SUSAN MASAA SYANDA.....DEFENDANT

RULING

The application dated 4/12/2017 is seeking the court's leave to amend the plaint. The application was served upon the firm of Nyamu & Nyamu Advocates appearing for the defence. There is no attendance by a legal representative from the said firm of Advocates. The application is therefore not opposed. From a cursory look at the application, the plaintiff is seeking leave to amend the plaint.

A draft amended plaint has been annexed to the supporting affidavit of the plaintiff sworn on 4/12/2017. The law on Amendment of pleadings has been settled. A leave to amend is freely given to a party in order to correct or clarify issues unless prejudice is likely to occasion the opposite party. In this case the defendant has not filed any response. It can therefore be presumed that there is no prejudice likely to occur to the defence. I find the application marked and the same is hereby allowed in the following terms:

- 1. The plaintiff is granted leave to file and serve the amended plaint in the proposed terms shown in the draft amended plaint within 14 days.**
- 2. The defendant is granted leave to amend the defence within 14 days from the date of service thereof.**
- 3. The costs of this application to be costs in the cause.**

Read and delivered in the open court this 25th January, 2018.

E.C Cheronu (Mr.)

ELC Judge

In the presence of

1. Mr. Nzili