

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT MERU

CIVIL SUIT NO. 52 OF 1998

**PETER KILEMI M'ITIMITU Legal representative of the estate of
M'ITIMITU M'MWITHIA -Deceased.....PLAINTIFF**

VERSUS

DIOCESE OF MERU.....1ST DEFENDANT

**ROMANO KOBIA (TERESSA KAARI KOBIA as legal Representative of
ROMAN KOBIA LINYIRU-deceased.....2ND DEFENDANT**

RULING

1. This Ruling is in respect of the application of 02:10:17, where applicant wants the Court to review the orders given on 19:07:17.
2. This is a case that has gone all the way to the Court of Appeal. What is pending is the issue of compensation to Plaintiff.
3. On 13:06:17 the Court had directed the parties to file valuation reports within 30 days. There was no compliance hence the orders of 19:07:17 which locked the Plaintiff from availing the Valuation Report.
4. Review is provided for under order **45 of the CPR**. There is no basis for allowing the present application. After all, this Court had allowed the Plaintiff to testify regarding the issue of compensation.
5. The application of 02:10:17 is unmerited and the same is dismissed with costs to Respondent.

**DATED, SIGNED AND DELIVERED IN OPEN COURT AT MERU THIS DAY OF 24TH
JANUARY, 2018 IN THE PRESENCE OF:-**

Court Assistant: Janet

Wamache H/B for Kiome for Plaintiff present

Mungai for 1st Defendant present

HON. L. N. MBUGUA

ELC JUDGE