

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT MERU

CIVIL SUIT NO 261 OF 2013

BEATRICE MUKAMI KIRIMI.....1ST PLAINTIFF

LEWIS MAWIRA KIRIMI.....2ND PLAINTIFF

EMMACULATE KAIGONGI KIRIMI.....3RD PLAINTIFF

SILAS MUTUGI KIRIMI.....4TH PLAINTIFF

VERSUS

BENJAMIN KIRIMI NGAINE.....1ST DEFENDANT

FRANCIS KIRIMI NGARUNI.....2ND DEFENDANT

R U L I N G

1. On 05:10:17, this suit was dismissed by the Court as all parties were absent. The Plaintiff hence filed an application on 11: 10:17 to have the suit reinstated.
2. Beatrice Mukami, the 1st Plaintiff has sworn an affidavit stating that she arrived in Court on 04:10:17 only to find that the matter had been called out and dismissed. She also avers that her advocate was before Judge Mabeya at 10:30 am (the time the matter was called out).
3. Applicant urges the Court to find that the non-attendance was neither deliberate nor intentional.
4. Mr. Muthamia appeared before me on 23.10.17 and informed the Court that Respondent would be opposing the application. The Court gave them time to file their response. The Court also directed that the application be heard by way of Submissions.
5. Respondent did not however file any response to the application or submissions thereof.
6. The application is hence unopposed and I allow the same as drawn.

DATED, SIGNED AND DELIVERED IN OPEN COURT AT MERU THIS DAY OF 23rd JANUARY, 2018 IN THE PRESENCE OF:-

Court Assistant: Janet/Galgalo

Kithaka for Mwangi for Respondent present

Miss Njaga for Plaintiffs present

HON. L. N. MBUGUA

ELC JUDGE