

REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT

AT NYERI

ELC CASE NO. 246 OF 2015

JAMES GACHUGU KARIUKI.....PLAINTIFF

-VERSUS-

PAUL MACHARIA WAGUNYA.....DEFENDANT

RULING

1. Paul Macharia Wagunya, the plaintiff, has taken out the motion dated 3rd January, 2017 in which he sought for the following orders:

a) The judgment of this court be rectified to be in accordance with the agreement between the defendants filed herein.

b) costs of this application be provided.

2. The motion is premised on the grounds on the face of the application and is supported by the affidavit of the plaintiff. The motion is not opposed.

3. In a Ruling delivered by this court on 17th August, 2016, this court upheld a preliminary objection by the defendant and dismissed the instant suit for being *Res judicata*, Nyeri ELC 229 of 2013.

4. As there is no suit pending before this court and no evidence has been adduced that the aforesaid orders were set aside, the instant motion is found to be without merit and I dismiss it with no orders on costs as the same was undefended.

Dated, signed and delivered at Nyeri this 3rd day of January, 2018.

L N WAITHAKA

JUDGE

Coram

James Gachugu Kariuki – plaintiff

N/A for the defendant

Court assistant – Esther