



**REPUBLIC OF KENYA**

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

**AT NAKURU**

**MISC. APPLICATION NO.344 OF 2016**

**NANCY WANJIRA WAHOME.....PLAINTIFF**

**VERSUS**

**ISSAC ONGERI.....1<sup>ST</sup> DEFENDANT**

**DEFINIDA RAGID ONGERI.....2<sup>ND</sup> DEFENDANT**

**SAMUEL MAIRURA.....3<sup>RD</sup> DEFENDANT**

**ORDER**

1. I have perused the application dated 22 July 2016 vide which the applicant wishes to sue as a pauper. I have also looked at her claim and the particulars thereof. Before I deal any further with the application, I need to see the documents which the applicant wishes to rely on. She has stated inter alia that she was beneficiary of the plot described as plot No.1099 Oljorai Settlement Scheme (Olesiria Nursery). I need to see a document to this effect. She has further claimed that the proposed 1st defendant was charged through Criminal case No. 827 of 2010, Republic Vs Isaac Onger. I need to see a copy of the judgment. She has also stated that she herself was charged in Criminal case No.5562/2010, Republic Vs Nancy Wanjira, and that she was acquitted. I also need to see a copy of this judgment. She has mentioned that she has written some complaint letters which I also need to see.

2. All these documents to be annexed in a further affidavit sworn by the applicant, and the same be filed in 30 days.

3. I need these documents so that I can satisfy myself, as to whether or not the allegations of the plaintiff, demonstrate a cause of action as required vide the provisions of order 33 Rule 5 (d).

4. I will mention this case on 23 April 2018, for further assessment of the application dated 22 July 2016.

5. It is so ordered.

**Dated, signed and delivered in open court at Nakuru this 27<sup>th</sup> day of February 2018.**

**JUSTICE MUNYAO SILA**

**ENVIRONMENT & LAND COURT AT NAKURU**

**In presence of :-**

Applicant in person.

In attendance: Mr. Kisilah Advocate of whom the court has requested whether he can assist the applicant.

Court Assistant: Janepher Nelima

**JUSTICE MUNYAO SILA**

**ENVIRONMENT & LAND COURT AT NAKURU**