

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT MERU

ELC CASE NO. 50 OF 2017

MARTIN BUNDI NDUBIPLAINTIFF

VERSUS

M'NDUBI M'ITOME1ST DEFENDANT

R U L I N G

1. The Notice of Motion dated 28th August, 2011 seeks orders that the orders made on 27/07/2017 be set aside, vacated or varied and for the Application dated 15/2/2017 to be reinstated and heard on merits.
2. It is averred that Mrs. Kaume Advocate for the applicant was in Court No. 3 and the matter had not been reached when she was called before Justice Njoroge and she rushed to attend to that matter before the said court. When she came back to this Court, she found the matter had been called out and dismissed.
3. Service was effected but no response was filed.
4. I find that this is a case where the mistake of an Advocate should not be visited upon the party.
5. I therefore allow the application of 28:08:17 but applicant is to bear the costs of this application.
6. Further orders: Application of 15.2.2017 to be heard on 23.4.2018 service to be effected failure to which the application will stand as dismissed.

DATED, SIGNED AND DELIVERED IN OPEN COURT AT MERU THIS DAY OF 21st FEBRUARY, 2018 IN THE PRESENCE OF:-

Court Assistant: Janet/Galgalo

Muthamia holding brief for Mrs. Kaume for plaintiff present

Defendant in person - absent

HON. L. N. MBUGUA

ELC JUDGE