



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA MISCELLANEOUS JUDICIAL REVIEW CASE NO. 10 OF 2017

IN THE MATTER OF APPLICATION FOR JUDICIAL REVIEW FOR ORDERS OF CERTIORARI

AND

IN THE MATTER OF APPEAL TO THE MINISTER APPEAL NO. 141 OF 2017 IN RESPECT TO L.R. NO. 2340 GATUNGA ADJUDICATION SECTION

REPUBLIC.....APPLICANT

VERSUS

THE MINISTER, MINISTRY OF LANDS, THROUGH THE SUB-COUNTY

ADMINISTRATOR GATUNGA ADJUDICATION SECTION....1ST RESPONDENT

THE ATTORNEY GENERAL.....2ND RESPONDENT

SOPHIA GATIRIA KIMENCU.....INTERESTED PARTY

RULING

1. When this matter came up for directions on **6th February, 2018**, only the interested party, Sophia Gatiria Kimencu turned up. She asked the court to dismiss this suit as the exparte applicant only wanted to subject her to hardship and suffering on account of her poor status.
2. The exparte applicant was not in court. The advocate for the 1st and 2nd respondents was not in court. The advocates representing the exparte applicant and the interested party were also not in court. I deprecate this conduct of the advocates representing the litigants. They are approaching the judicial process in a cavalier manner.
3. On **20th September, 2017** directions were given to the parties in the following terms:
 1. Advocate Ogoti at his request granted 14 days to regularize his status and file his response and any documents apposite to the suit.
 2. The respondents to file their responses and apposite documents within 14 days of today.
 3. The exparte applicant to serve upon the respondents the orders issued by this court within five (5) days of today.
 4. After 14 days from today, and within 14 days thereafter, the exparte applicant to file and exchange his submissions concerning the main suit.
 5. Within 14 days after receipt of the exparte applicant’s submissions, the respondents and the interested party to file and exchange their submissions.
 6. By consent of Miss Wanjohi holding brief for Kimathi Kiara for the exparte applicant and Mr.Ogoti, the intended advocate for the interested party, directions to be taken on **15.11.2017**.
4. Parties were directed to come to court for directions on 15th November, 2017. All the parties had ignored the court orders issued by this court on 20th September 2017. Directions were issued that parties do come to court for directions on 6th February, 2018.

5. As I have already noted, only the interested party Sophia Gatiri Kimencu came to court. The ex parte applicant, the respondent and all advocates representing the various parties did not come to court. As I have already said, I deprecate the cavalier attitude taken by the parties, and their advocates, except the Interested party, in their prosecution of this suit.

6. For disobedience of court orders by the ex parte applicant, and because his refusal to file and exchange his submissions may have made it difficult for the other parties to file and exchange their submissions, I find it that he had been veritably indolent to an extent that renders dismissal of this suit meritorious.

7. In the circumstances, this suit is dismissed.

8. Costs are awarded to the interested party.

9. It is so ordered

Delivered in open court at Chuka this 6th day of February, 2018 in the presence of:

CA: Ndegwa

Sophia Gatiria Kimencu – interested party

P.M. NJOROGE

JUDGE