

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT MERU

ELC CASE NO. 153 OF 2017

ESTHER KIMATHI MWIMBI.....PLAINTIFF/APPLICANT

VERSUS

ZAVERIO MITHIKA.....DEFENDANT/RESPONDENT

RULING

1. I have seen the orders given by myself vide ruling of 13.11.2017. Indeed, I granted a stay of these proceedings to await the outcome of the Judicial Review No. 7/17. That Judicial Review case is now finalized. As such the present application is merited. The application dated 26.2.2018 seeking the following orders is allowed.

i. "That the order made herein on 14.11.2017 staying this case pending hearing and determination of Meru ELC J.R application No. 7 of 2017 and all consequential orders be set aside, and this case be allocated a date for hearing on priority basis.

ii. That costs of the application be in the main cause".

DATED, SIGNED AND DELIVERED IN OPEN COURT AT MERU THIS DAY OF 8th MARCH, 2018 IN THE PRESENCE OF:-

Court Assistant: Janet/Galgalo

K. Gitonga holding brief for C.P Mbaabu for plaintiff

HON. LUCY. N. MBUGUA

ELC JUDGE