



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT MERU

JR NO. 27 OF 2009

IN THE MATTER OF AN APPLICATION FOR LEAVE TO APPLY FOR ORDERS OF JUDICIAL REVIEW OF CERTIORARI AND PROHIBITION

AND

IN THE MATTER OF MERU CENTRAL DISTRICT LAND

DISPUTE TRIBUNAL CASE NO. 67 OF 2008

AND

IN THE MATTER OF MERU CHIEF MAGISTRATE COURT LDT CASE NO. 19 OF 2009

AND IN THE MATTER OF LAND AND PARCELS NOS.

ABOTHUGUCHI/KATHERI/2418, 2419, 2420 AND 2421

REPUBLIC.....APPLICANT

VERSUS

THE CHAIRMAN MERU CENTRAL DISTRICT

LAND DISPUTES TRIBUNAL.....RESPONDENT

KIMATHI PATRICK RIMBERIA.....2ND INTERESTED PARTY

GERALD RIMBERIA M'RIRIA (DECEASED)..1ST EXPARTE APPLICANT

KENNETH KIAMBI RIMBERIA.....2ND EXPARTE APPLICANT

RULING

1. The application dated 3.8.2017 seeks to have this suit reinstated. The grounds in support of the application are found in the body of the application and in the supporting affidavit of the applicant.
2. The application is opposed vide the replying affidavit of the 2nd interested party filed on 5.53.2018.
3. I find that the date of 14.6.2017 was given by the court whereby the matter, being one of the old cases at the station was earmarked to be handled during a scheduled service week by a visiting judge.
4. It is noted that the matter was dismissed on 14.6.2017 because there was no appearance for the exparte applicant.
5. What has emerged is that the applicants advocate did not go to court on that day. However, applicant has given minute details of the efforts he made towards the prosecution of the matter. I have also noted that indeed what was pending in the file is the directions on judgment writing as directions on hearing of the case had been given earlier on 23.3.2013 and submissions were filed.

6. In the circumstances, the application dated 3.8.2017 is allowed but with costs to the 2nd interested party.

DATED, SIGNED AND DELIVERED IN OPEN COURT AT MERU THIS DAY OF 25th APRIL, 2018

IN THE PRESENCE OF:-

Court Assistant: Janet/Galgalo

Ngunjiri for exparte applicant present

Attorney General for respondent absent

Mutegi for 2nd interested party present

HON. LUCY. N. MBUGUA

ELC JUDGE