



Bandari v Mutuku & 12 others (Environment and Land Appeal 10 of 2023) [2024] KEELC 393 (KLR) (31 January 2024) (Ruling)

Neutral citation: [2024] KEELC 393 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MOMBASA
ENVIRONMENT AND LAND APPEAL 10 OF 2023
SM KIBUNJA, J
JANUARY 31, 2024**

BETWEEN

PRISCILLA CHARI BANDARI APPELLANT

AND

DENIS MUTUKU 1ST RESPONDENT

EDWARD KARIUKI 2ND RESPONDENT

KARISA KATANA MBOGO 3RD RESPONDENT

MOHAMED SULEIMAN CHENGO 4TH RESPONDENT

KASSIM JEFWA 5TH RESPONDENT

MUDZO MWERO 6TH RESPONDENT

LOIS KAMBENE 7TH RESPONDENT

DAZOMBO KHANGA 8TH RESPONDENT

DUME WILSON MWANYAMBA 9TH RESPONDENT

RAMA MAMBO VIMBWANGA 10TH RESPONDENT

CHIBWANA HASSAN HARE 11TH RESPONDENT

ROSE CHIMEGA 12TH RESPONDENT

MWAMUYE DAKTARI & OTHERS 13TH RESPONDENT

RULING

1. From the documents on record, the appellant commenced this appeal through the undated memorandum of appeal filed on the 21st March 2023.



2. Then on 13th July 2023 the court directed the appellant to file the record of appeal. I have perused the court file but have not seen any record of appeal.
3. That attached to this record is the original file for Mombasa CMELC No. 52 of 2018 that was previously ELC No. 67 of 2017. Even though I have seen copies of judgement and order in Shanzu SPM Cr. Case No. 1029 of 2016 [consolidated with Cr. Case Nos. 969 of 2015 and 494 of 2016] in the file, I take the view that the instant appeal is against the judgement delivered on the 12th January 2023 in Mombasa CMELC No. 52 of 2018.
4. That during the previous mentions when the appellant attended and addressed the court, I noted she was either under stress or had difficulties in understanding and complying with the directions given by the court. That may explain why she is yet to file and serve the Record of Appeal.
5. That as the court cannot keep mentioning the appeal indefinitely while the appellant fails to comply with the clear directions of the court and with a view of according the appellant another opportunity to comply with the directions on filing of the Record of Appeal, the court orders as follows:
 - a. That the appellant is to file and serve the Record of Appeal upon all respondents through an authorised process server(s) within the next sixty (60) days and evidence of service be filed.
 - b. That should the appellant fail to file the Record of Appeal within the time given in (a) above, the appeal to be deemed as struck out without any order on costs.

It is so ordered.

DATED AND VIRTUALLY DELIVERED ON THIS 31ST DAY OF JANUARY 2024.

S. M. KIBUNJA, J.

ELC MOMBASA.

In the Presence of:

Appellant: Present in Person.

Respondents : No appearance.

Wilson – Court Assistant

S. M. KIBUNJA, J.

ELC MOMBASA.

