



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT KITALE

LAND CASE NO. 135 OF 2015

SIMON WAFULA WESUSA.....PLAINTIFF

VERSUS

NAKWANGA CO-OPERATIVE SOCIETY LTD.....DEFENDANT

RULING

1. The application dated 1/3/2018 sought an order of stay of execution of the judgment of the decree and a stay of proceedings.
2. It further sought that this court do set aside its judgment signed and delivered on 19/9/2017 dismissing the applicants suit for want of prosecution and that the defendant be granted leave to file its defence.
3. The application is supported by the affidavit of one Emmanuel Barasa the treasurer of the defendant.
4. I do not need to go deep into the merits of the application at hand which was argued ex-parte before me by counsel for the defendant/applicant, for the reason that I find the application to be so defective that it cannot be entertained. I do not find any order made in the judgment sought to be set aside, which dismissed the applicant's suit for want of prosecution.
5. For that reason and without more, I strike out the application dated 1/3/2018 with costs to the respondent.

Dated, signed and delivered at Kitale on this 13th day of April, 2018.

MWANGI NJOROGE

JUDGE

13/5/2018

Coram:

Before -Mwangi Njoroge, Judge

Court Assistant - Picoty

Mr. Karani holding brief for Mr. Katama for Applicant

N/A for Respondent

COURT

Ruling read in open court.

MWANGI NJOROGE

JUDGE

13/4/2018