

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT MERU

ELC CASE NO. 21 OF 2003

WILFRED MUTEMBEI.....PLAINTIFF

VERSUS

ANDRINA NKUENE NJIRU.....DEFENDANT

RULING

1. This suit was dismissed on way back on 22.11.2011. The record of the court shows that service was effected upon the firm of Kithinji Rwito instead of L. Kimathi advocates.

2. I therefore find that, the application has merits. Nevertheless, I find no evidence of the efforts made by the applicant to trace the file as argued in paragraph 5 of the affidavit in support of the application. The delay in bringing this application is rather inordinate.

3. I will therefore give directions which shall strictly be followed:

- (i) The application of 22.1.2018 is allowed with no orders as to costs
- (ii) Matter to be registered as an ELC matter forthwith.
- (iii) Case to be heard on priority basis.
- (iv) Pre-trial directions to be taken within 30 days.
- (v) Service to be effected.
- (vi) In the event that order iv or/and v are not complied with, the suit will stand as dismissed.

DATED, SIGNED AND DELIVERED IN OPEN COURT AT MERU THIS DAY OF 11th APRIL, 2018

IN THE PRESENCE OF:-

Court Assistants: Janet/Galgalo

Kimathi L. for plaintiff - present

D.J Mbaya for defendant - absent

HON. LUCY. N. MBUGUA

ELC JUDGE