



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT MERU

JUDICIAL REVIEW NO. 85 OF 2011

RUFUS M'NAIVASHA M'MIRITI.....APPLICANT

VERSUS

THE MERU SOUTH DISTRICT LAND

DISPUTE TRIBUNAL.....DEFENDANT

JULIUS MIRITI SEBASTIANO.....INTERESTED PARTY

RULING

1. This ruling is in respect of the application dated 14.11.2017.
2. Applicant who is the exparte applicant in the suit prays for the reinstatement of the suit which was dismissed on 2.11.2017.
3. Exparte applicant avers that he was never served with the hearing notice of 2.11.2017
4. A perusal of the record shows that the hearing notice for the date of 2.11.2017 appears to have been served only upon the Attorney General and the counsel for the interested party. There is no evidence of service upon the exparte applicant's or his advocate.
5. It is however not lost to this court that earlier on, the matter had been listed for notice to show cause as to why the suit should not be dismissed. In a ruling delivered by the court on 10.11.2016, the ex-applicant was given a chance to prosecute the case. This being a 2011 matter, I find no enthusiasm on the part of the applicant to have the matter prosecuted. Nevertheless, I will allow the application on the following terms;
 - (i) The application of 14.11.2017 is allowed with no orders as to costs.
 - (ii) All parties to file their documents including response to the motion within 21 days from date of delivery of this ruling.
 - (iii) The suit is to be set down for hearing.

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

IN THE PRESENCE OF:-

Court Assistant: Janet/Galgalo

Miss Mwiraria holding brief for Kiogora for Exparte Applicant – present

Attorney General for Respondent - absent

HON. LUCY. N. MBUGUA

ELC JUDGE