



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT AT MERU**

**ELC JR 22B OF 2011**

**CYPRIAN KITHINJI MUCHAI.....EXPARTE APPLICANT**

**VERSUS**

**REPUBLIC.....1<sup>ST</sup> RESPONDENT**

**IMENTI SOUTH DISTRICT LDT.....2<sup>ND</sup> RESPONDENT**

**SENIOR PRINCIPAL MAGISTRATE**

**NKUBU LAW COURTS.....3<sup>RD</sup> RESPONDENT**

**RULING**

1. In the application of 24.7.2017, applicant seeks orders of reinstatement of the suit, which suit was withdrawn on 12.6.2017.
2. Exparte applicant avers that the advocate had no instructions to withdraw the case.
3. On 30.1.2018, Mr. Mutuma advocate for the interested party had informed the court that they would be opposing the application of 24.7.2017 and requested for 14 days to file a response which prayer was allowed.
4. The matter was to be canvassed by way of filing written submissions. The interested party did not file any replying affidavit or submissions.
5. For the Attorney General, there was indication that they would not oppose the application.
6. The application is hence unopposed. I allow the same. However, considering that this matter is very old and that exparte applicant had not moved the matter for prosecution from 23.7.2013 and that it is the court on its own motion which had listed the matter for hearing on 12.6.2017, then I direct that the case be listed down for hearing within the next 90 days.

**DATED, SIGNED AND DELIVERED IN OPEN COURT AT MERU THIS DAY OF 16<sup>th</sup> MAY, 2018 IN THE PRESENCE OF:-**

**Court Assistant:** Janet/Galgalo

Mwiti holding brief for Thangicia for exparte applicant present

Attorney General for respondent absent

Mutuma for Interested party present

**HON. LUCY. N. MBUGUA**

**ELC JUDGE**