

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT MERU

ELC MISC 23 OF 2017

IBRAHIM GATOBU.....APPELLANT

VERSUS

MWICHWIRI FARMERS CO. LTD.....RESPONDENT

RULING

1. In the application filed on 8.12.2017, applicant is seeking for orders to file appeal out of time. The application was served but no response was ever filed.
2. Applicant avers that the judgment in Meru CMCC No. 772 of 2015 was read on 17.8.2017 and he was dissatisfied with the said judgment. He applied for a copy of the said judgment but this was not forth coming until 7.11.2017.
3. I have seen annexure 1 G (a), the letter of 21.8.2017 written to the chief magistrate Meru requesting for a copy of the judgment. The chief magistrates' stamp confirming receipt of the letter bears the date of August 2017. This is an indication that applicant was vigilant and made efforts to get the judgment without delay.
4. The application of 7.12.2017 is therefore merited and is allowed in the following terms;
 - (i) The appeal is to be filed within 7 days from the date of delivery of this ruling failure to which the application will stand as dismissed.
 - (ii) The matter to be mentioned after 7 days to ascertain compliance and to close this file.
 - (iii) No orders as to costs.

DATED, SIGNED AND DELIVERED IN OPEN COURT AT MERU THIS DAY OF 9th MAY, 2018 IN THE PRESENCE OF:-

Court Assistant: Janet/Galgalo

Miss Munga for Applicant present

Applicant present

Respondent present

HON. LUCY. N. MBUGUA

ELC JUDGE