



**REPUBLIC OF KENYA**

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

**CASE NO. 462 OF 2017**

**STANLEY KIPRUTO BOMET.....PLAINTIFF**

**VERSUS**

**PAMELA CHEPCHUMBA RECHENBACH.....1<sup>ST</sup> DEFENDANT**

**FRANCIS KITUYO.....2<sup>ND</sup> DEFENDANT**

**NAKURU LAND REGISTRAR.....3<sup>RD</sup> DEFENDANT**

**RULING**

On 23<sup>rd</sup> January 2018, Mr. Karanja who was then appearing for 1<sup>st</sup> and 2<sup>nd</sup> defendants sought 60 days within which to file a replying affidavit. After considering the matter, and following consultations between counsel for plaintiff and counsel for 1<sup>st</sup> and 2<sup>nd</sup> defendants, it was agreed and ordered that the 1<sup>st</sup> and 2<sup>nd</sup> defendants file a replying affidavit within 30 days and that the application dated 14<sup>th</sup> December 2017 be argued by way of written submissions.

Other than being told that one of the two defendants is unwell, we have not been told when he became sick and why the order of 23<sup>rd</sup> January 2018 could not be complied with.

We have also not been told why the other defendant who is not sick cannot swear the affidavit. All in all, I am not satisfied that valid reasons have been advanced to warrant an adjournment. Considering that the matter is today coming up for mention, I make the following orders:

1. The 1<sup>st</sup> and 2<sup>nd</sup> defendants to file and serve a replying affidavit within three (3) days from today.
2. The plaintiff to file and serve submissions within ten (10) days from today.
3. Defendants to file and serve submissions within twenty (20) days from today.
4. In default of 1<sup>st</sup> and 2<sup>nd</sup> defendants filing replying affidavit within the period provided under (1) above, the application shall be deemed unopposed by the 1<sup>st</sup> and 2<sup>nd</sup> defendants.
5. Mention on 10<sup>th</sup> July 2018 to take date of ruling.
6. The 1<sup>st</sup> and 2<sup>nd</sup> defendants shall pay court adjournment fees Kshs.2, 000/= and Mr. Ogola's costs for today.

**Dated, signed and delivered in open court at Nakuru this 9<sup>th</sup> day of May 2018.**

**D. O. OHUNGO**

**JUDGE**

In the presence of:

Mr. Ogola for the Plaintiff/Applicant.

Mr. Magata holding brief for Mr. Kahiga for 1<sup>st</sup> & 2<sup>nd</sup> Defendant/Respondents.

No appearance for 3<sup>rd</sup> Defendant.

Court Assistant: Gichaba