



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA ELC CASE NO. 120 OF 2017

FORMERLY MERU ELC CASE NO. 152 OF 2010

JEREMY MATI & ANO.....PLAINTIFFS

VERSUS

THE REGISTERED TRUSTEES CATHOLIC

DIOCESE OF MERU & 3 OTHERS.....DEFENDANTS

RULING

1. This application is dated **7th June, 2018** and seeks orders:

- a) This honourable court be pleased to certify this application as urgent and order that this application be heard expeditiously.
- b) That this honourable court be pleased to review its order made on **24th April, 2018** and set the orders aside.
- c) That this honourable court be pleased to reinstate the plaintiff's suit for hearing on merit.
- d) That costs of this application be in the cause.

2. The application has the following grounds:

- a) The application for amendment dated **19th April**, is what the court was to determine and not the main suit.
- b) The parties did not submit on the main suit.
- c) The court erred by dismissing the main suit.
- d) The suit is a representative suit with over 168 plaintiffs alive and kicking.
- e) There is sufficient cause to warrant review.
- f) Plaintiff/applicants right to a fair hearing has been infringed.

3. On **12th June, 2018**, the applicant and/or his advocate were not in court to prosecute the application on ex-parte basis.

4. In the circumstances, this application is dismissed.

5. No costs are awarded.

6. It is so ordered.

Delivered in open Court at Chuka this **12th day of June, 2018** in the presence of:

CA: Ndegwa

Applicant and his advocate absent

P. M. NJORGE,

JUDGE.