



**REPUBLIC OF KENYA**

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

**CHUKA MISCELLANEOUS ELC APPLICATION NO. 02 OF 2018**

**JACKSON KAMAU NTHIGA**

**(LEGAL REPRESENTATIVE OF NTHIGA MATUMO).....APPLICANT**

**VERSUS**

**HUMPREY KIRIMI MBUBA.....RESPONDENT**

**RULING**

1. This application is dated **9<sup>th</sup> June, 2018** and seeks orders:

- a) That this application be certified urgent.
- b) That this honourable court be pleased to extend time for the applicant to appeal against the judgment of the Chief Magistrate Chuka in Chuka **CMCC No. 16 of 2004**.
- c) That pending the hearing of this application there be stay of execution of the judgment Decree in Chuka **CMCC No. 16 of 2004**.
- d) That the costs of this application be provided.

2. The application has the following grounds:

- i) The applicant has a good appeal but the proceedings and judgment have taken time to be supplied.
- ii) That a copy of the judgment which has not been proof read is what was ready.
- iii) That the judgment did not consider legal issues which favour the applicant.
- iv) That the plaintiff may proceed with execution as the applicant waits for the proceedings and judgment.

3. During the date slated for ex-parte hearing of the application, to wit **12.6.2018**, the applicant and / or his advocate were not in court. The application was, therefore, not prosecuted.

4. In the circumstances, the application is dismissed.

5. No costs are awarded.

6. It is so ordered.

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

CA: Ndegwa

Applicant and/or his advocate absent

**P. M. NJORGE,**

**JUDGE.**