

REPUBLIC OF KENYA

ENVIRONMENT AND LAND COURT AT MERU

ELC NO. 96 OF 2017

PAUL MWORIA BAGINE.....1ST PLAINTIFF

SIMON JAMES KIOGORA ZAKAYO.....2ND PLAINTIFF

M'KIAMBATI M'NGARUTHI.....3RD PLAINTIFF

VERSUS

PAULINE KAGENDO MWARI.....DEFENDANT

RULING

1. This trial started on 19.2.2018. On 17.5.2018 plaintiff's counsel made an oral application to call another witness, a physical planning officer. The application was objected to on the basis that no indication was ever made that such a witness would be called.
2. I find that during pre-trial conducted on 5.2.2018, the court gave directions inter alia that "**Only the statements of the witnesses and documents already availed and exchanged will be relied upon**". Plaintiff has not laid a basis as to why he was to introduce another witness mid-stream of the trial.
3. In the circumstances the application by plaintiff is disallowed.

DATED, SIGNED AND DELIVERED IN OPEN COURT AT MERU THIS 25TH DAY OF JULY, 2018

IN THE PRESENCE OF:-

Court Assistant: Janet/Galgalo

B.G Kariuki for plaintiff

Miss Nyaga holding brief for Mwanzia

HON. LUCY. N. MBUGUA

ELC JUDGE