



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT**

**AT CHUKA**

**CHUKA ELC CASE NO 99 OF 2017**

**FORMERLY MERU HCC NO. 73 OF 2006**

**EMILIO MARANGU M'NDIIRI.....PLAINTIFF**

**VERSUS**

**ANJERO MUNENE MARINDI.....1<sup>ST</sup> DEFENDANT**

**LAWRENCE ANTONY KINYUA.....2<sup>ND</sup> DEFENDANT**

**FAITH N KINGA KABUCHA.....<sup>RD</sup> DEFENDANT**

**RULING**

1. This application is dated **18<sup>th</sup> day of July, 2018** and seeks orders:

1. That the honourable court be pleased to grant the defendants/applicants leave to amend their pleadings in line with the draft annexed hereto.
2. That costs of the application be in the cause.

2. It is supported by the affidavit of Lawrence Antony Kinyua, the 2<sup>nd</sup> defendant in the originating summons, and has the following grounds:

- a. That pleadings in this suit have closed.
- b. That for the court to properly determine the real issues in controversy between the parties, it is necessary for the defendant/applicant to amend his pleadings.
- c. That this application is intended to serve the interests of justice and fairness.

3. Mr. Mwarania asked the court, in the interest of saving time, to allow the application and deem the plaintiff's affidavit in support of the further amended originating summons as the plaintiff's reply to the counter-claim. As the advocates representing the parties are agreed on this, this position is adopted by the court.

4. The plaintiff is granted **10 days** to file and exchange the amended pleadings which will include the counter-claim. Parties are granted liberal leave to further reply, as and if necessary, before the hearing date.

5. Parties are directed to come to court for further hearing on **2<sup>nd</sup> October, 2018**.

6. Costs shall be in the cause.

**Delivered in open court at Chuka this 18<sup>th</sup> day of July, 2018 in the presence of:**

CA: Ndegwa

Mwenda Mwarania for the plaintiff

Muia Mwanzia for the defendant

**P.M. NJORGE**

**JUDGE**