



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT**

**AT MERU**

**ELC CASE NO. 95 OF 2010**

**EVANGELINE NYEGERA.....PLAINTIFF**

*(Suing as legal representative of FELIX M'IKIUGU)*

**VERSUS**

**GODWIN GACHAGUA GICHUI.....DEFENDANT**

**RULING**

1. In the Court of Appeal case no. 28/2016, the court had allowed appellants application of 10.4.2014, where they had sought for the admission of copies of their documents. The court of appeal had ruled as **follows “we hold the view that the applicant should not be barred from adducing secondary evidence through copies of original documents. It is imperative that the nature of the documents, their number and relevance is shown .The other party will have an opportunity to cross examine on veracity and legitimacy if it is necessary.”**

2. Pursuant to the aforementioned ruling, I direct that the parties file and exchange a paginated bundle of the documents they intend to rely on within 14 days from the date of delivery of this ruling. Thereafter, it is upon the parties to lay a basis on the relevance of the said documents.

**DATED, SIGNED AND DELIVERED IN OPEN COURT AT MERU THIS 11<sup>TH</sup> DAY OF JULY, 2018 IN THE PRESENCE OF:-**

**Court Assistant:** Janet/Galgalo

**HON. LUCY. N. MBUGUA**

**ELC JUDGE**