

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT MERU

ELC CASE NO. 44 OF 2014

JACKSON KABUNGA M’KIRERA.....APPLICANT

VERSUS

MIKE KAILEMIA NTONG’ONDU..... 1ST RESPONDENT

FRANCIS KUNYANGA NTONG’ONDU.....2ND RESPONDENT

MUGAMBI M’THIRITU MANYARA.....3RD RESPONDENT

RULING

1. The application dated 10.3.2017 seeks for the reinstatement of this suit, which suit was dismissed on 7/12/2017. To this end, applicant prays for review, setting aside and/or variation of the judgment/decreed made on 7th December, 2017 as per court order made on 23rd October 2017 dismissing this Misc. Application.
2. I have considered all the arguments raised herein and the submissions of the parties. Applicant avers that their submissions were filed in the wrong file by the court registry In HCC No. 44 of 2013 instead of HCCA No. 44 of 2014. Counsel for the applicant has also averred that she was sick.
3. I will give the applicant the benefit of doubts. I hence exercise my discretion and hereby vary the orders of 7.12.2017. This suit is reinstated on condition that the submissions of the applicant are availed (filed and served) within 14 days from date of delivery of this ruling.
4. Applicant is to pay costs of the present application.

DATED, SIGNED AND DELIVERED IN OPEN COURT AT MERU THIS 26TH DAY OF SEPTEMBER, 2018 IN THE PRESENCE OF:-

Court Assistant: Janet/Galgalo

CP Mbaabu for respondent

Rimita for applicant

HON. LUCY. N. MBUGUA

ELC JUDGE