

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT NAROK

ELC PET NO. 7 OF 2018

ESTHER CHESANG' BARGOCHUT.....PETITIONER

VERSUS

KURGAT ARAP BIRIR & 13 OTHERS.....RESPONDENTS

RULING

The Application before me is the Applicant's Notice of Motion dated 28th June, 2018 seeking the court to set aside the proceedings of 2nd May, 2018 and the consent order entered in by the Petitioner and the Respondents.

Having read the Application before me, I find that the withdrawal of the instant Application was made after the advocate on record withdrew the petition on the grounds that the issues raised there in could adequately be litigated as an ordinary suit.

Having considered the Application and in the interest of justice and the overriding principles as relates to access to justice I am convinced that this is an Application in which I should exercise my discretion and consequently I will set aside the orders made by the court on 2nd May, 2018 and accordingly reinstitute the Petitioner's Petition and order that the parties to have the same listed for hearing accordingly.

DATED, SIGNED and DELIVERED in open court at NAROK on this 26th day of October, 2018.

Mohamed N. Kullow

Judge

26/10/18

In the presence of:

Ms Saika for Maritim for the Petitioner

Ms Kerubo holding brief for Malozi for the 11th to 14th Respondents

CA:Chuma