



**Patel v Patel & another (Environment and Land Case Civil Suit
506 of 2018) [2024] KEELC 378 (KLR) (25 January 2024) (Ruling)**

Neutral citation: [2024] KEELC 378 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
ENVIRONMENT AND LAND CASE CIVIL SUIT 506 OF 2018
LN MBUGUA, J
JANUARY 25, 2024**

BETWEEN

JAGDISHCHANDRA AMBALAL PATEL PLAINTIFF

AND

KANTIBHAI MAHIJIBHAI PATEL 1ST DEFENDANT

BULAKHIBHAI AMBALAL PATEL 2ND DEFENDANT

RULING

1. This matter was scheduled for judgment for the upteenth time on 25.1.2024. The court noted that the matter was to be determined via affidavit evidence and submissions of which on 5.10.2023, the court had directed parties to file/serve all their documents and submissions in a bundle.
2. For the plaintiff, the court was notified that he was also relying on a Supplementary Affidavit filed on 18.4.2019. A perusal of plaintiffs bundle reveals that this pleading is in that bundle. However, the court also came across yet another supplementary affidavit dated 21.3.2019 and it is not clear if the same was filed and served or that it will be relied upon.
3. For the 1st defendant, I did not see any bundle, his pleadings and submissions. His Replying Affidavit dated 8.5.2019 filed on 20.6.2019 doesn't indicate that it was a response to the Originating Summon. His other Replying Affidavit dated 19.2.2020 filed on 26.2.2020 was in response to plaintiffs application to amend the plaint.
4. As for the 2nd defendant, he does have a bundle with a Replying Affidavit filed on 8.2.2019 in response to the Originating Summon. However, his submissions dated 31.5.2019 relate to the notice of motion application dated 15.11.2018.
5. It is not lost to this court that this mix up is the one which rendered the delivery of Judgment earlier on impossible going by the proceedings of 21.11.2019.



6. In light of the foregoing, it has again become difficult to render a final decision in the matter. To this end, the court gives directions for the parties to sufficiently identify their pleadings and submissions. Only then will the court give directions on the judgment. As at now, the directions given by the court on delivery of judgment be hereby set aside.

**DATED, SIGNED AND DELIVERED AT NAIROBI THIS 25TH DAY OF JANUARY, 2024
THROUGH MICROSOFT TEAMS.**

LUCY N. MBUGUA

JUDGE

In the presence of:-

M/s Munene for 2nd Defendant

Court Assistant: Eddel

