



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT AT KITALE**

**MISC APPLICATION NO. 13 OF 2018**

**ELIFINIAS JACKSON EKIM OMAIDO.....DEFENDANT**

**VERSUS**

**ROBELLA BETTY AYODE OMAIDO.....PLAINTIFF**

**RULING**

1. It has come to the attention of the court that according to the heading, the application dated **21/9/2018** was meant for the **High Court** from the time of institution. Further the applicant has not attached thereto sufficient supporting documents as would enable this court make assumptions that would enable it shut it, if it were necessary in the interests of justice of justice to do so, apply the spirit of **Article 159 (2) (d)** and turn a blind eye to the irregularity of which court it was meant for, and entertain the application. The proceedings of **15<sup>th</sup> October 2018** are therefore vacated. The application is hereby struck out as this court has no jurisdiction as to handle it is currently framed.

Dated, signed and delivered at Kitale on this **15<sup>th</sup>** day of **November, 2018**.

**MWANGI NJOROGE**

**JUDGE**

**15/11/2018**

Coram

Before - Hon. Mwangi Njoroge Judge

Court Assistant: Picoty

Mr. Teti for applicant

N/A for the respondent

**COURT**

Ruling read in open court.

**MWANGI NJOROGE**

**JUDGE**

**15/11/2018**