



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT OF KENYA**

**AT NAIROBI**

**MILIMANI LAW COURTS**

**ELC. CASE NO. 80 OF 2015**

**GUY SPENCER ELMS)** (suing as the personal representative  
of the Estate of Roger Bryan Robson (Deceased).....**PLAINTIFF**

**VERSUS**

**AGNES KARIUKI KAGURE..... DEFENDANT**

**RULING**

I have considered Notice of Motion dated 9/7/2015 filed by the Defendant/Applicant seeking, *inter alia*, a review of Justice Mutungi's orders issued on 9/7/2015.

I have read Justice Mutungi's orders issued on 9/7/2015 in which he ordered that the suit property should remain in vacant possession pending the hearing and determination of this suit. He went further to direct the parties hereto to proceed to pre-trial procedures so that the whole issue of the ownership of the suit property may be determined with finality.

I wholly endorse Justice Mutungi's said order. I do not see what purpose will be served by issued interlocutory orders which are sought by the Defendant/Applicant.

I direct that pre-trial conference be fixed to pave way to the main trial.

Notice of motion dated 9/7/2015 is therefore dismissed. Costs in the cause.

**DELIVERED, SIGNED AND DATED AT NAIROBI THIS 27<sup>TH</sup> DAY OF JANUARY 2017.**

**MARY M. GITUMBI**

**JUDGE**