

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT ELDORET

E&L CASE NO.153 A OF 2012

MOHAMMED JAMA ABDI.....PLAINTIFF

VERSUS

JIMMY NYAGAKA1ST DEFENDANT

RHODA ONYANCHA.....2ND DEFENDANT

JAMES GACHOKI.....3RD DEFENDANT

ATTORNEY GENERAL.....4TH DEFENDANT

ABIGAEL MUHONJA.....5TH DEFENDANT

RULING

This matter was mentioned on 30.8.2016 when Mr. Odongo learned state counsel submitted that the Attorney General had filed witness statements and explained that the witness will respond in the dock on the issues raised in the interrogatories. He sought the court to visit the site and ascertain the status quo. Mr. Otieno learned counsel for the plaintiff complained that there was no answer to interrogations and referred to Order 11 rule 3(2) b.

I have considered the submissions of both counsel and do find that list of questions framed by the Plaintiff are questions to be asked during cross examination and not interrogations. With respect to Mr Otieno, it appears that the plaintiff intends to use the pretrial investigation discovery or witness questioning in an unfocused attempt to uncover damaging evidence to be used against the defendant.

The interrogatories appear to be a fishing expedition I do direct that parties do set down the matter for hearing.

DATED AND DELIVERED AT ELDORET THIS 28th DAY OF FEBRUARY 2017

A.OMBWAYO

JUDGE