

REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT

AT NAIROBI

MILIMANI LAW COURTS

ELC. CASE NO. 1196 OF 2015

MANIL LIMITED.....PLAINTIFF

VERSUS

FRIENDS THAT CARE HOLDING LIMITED.....DEFENDANT

RULING

The Notice of Motion of preliminary objection dated 15/12/2015 is hereby dismissed on the grounds that the issues raised therein which consist of failure of the Plaintiff to file resolutions and authorizing the filing of the suit, the deponent swearing affidavit and authorizing the Plaintiff's advocates to act on their behalf are mere procedural issues which can be rectified at any time.

This court relies on Article 159(2)(d) of the Constitution which provides that justice shall be administered without undue regard to procedural technicalities.

Further mention on 20/6/2017 to chart the way forward. The Plaintiff to serve the Defendant.

DELIVERED, DATED AND SIGNED AT NAIROBI THIS 24TH DAY OF MARCH 2017.

MARY M. GITUMBI

JUDGE