

REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT

AT NAIROBI

MILIMANI LAW COURTS

ELC. CASE NO. 482 OF 2014

EMBAKASI HOUSING COMPANY LTD.....PLAINTIFF

VERSUS

THE CHIEF REGISTRAR MINISTRY OF LANDS.....DEFENDANT

RULING

The application before me for determination is for Plaintiff's Notice of Motion dated 27/10/14 in which the Plaintiff seeks a review of this court's ruling delivered on 19th September 2014.

The ruling dismissed the Plaintiff's prayer for a temporary injunction pending the hearing and determination of this suit. Since that date to date, the Plaintiff has not demonstrated that the suit property is under any form of jeopardy. Indeed, even the review application has been pending for well over 2 years and there have been no adverse happenings.

Overall, I consider that the Plaintiff should put effort in placing the suit for hearing to enable the court finally determine the question of the ownership of the suit property. The being the position, the Notice of Motion dated 27/10/14 is hereby dismissed. Costs in the cause. A date for the pre-trial conference to be fixed before the Deputy Registrar to pave way to the full hearing of this suit.

DELIVERED, SIGNED AND DATED AT NAIROBI THIS 7TH DAY OF APRIL 2017.

MARY M. GITUMBI

JUDGE