

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT MERU

CIVIL SUIT NO. 63 OF 2000

BETHA NDUMBA MITWARUCHIUPLAINTIFF

VERSUS

WACHIRA WAMBUGU.....DEFENDANT

RULING

The ruling is in respect of the objection raised on 10.7.17 by defence counsel whereby defence objected to the production of ;

(1) Item No. 4, Sketch Map in Plaintiff's list of 21.08.12 and

(2) Item No. 5 a letter from Chairman, Mwichwiri Farmers Company to the District Registrar Laikipia.

On the issue of the Sketch Map, I find that the Plaintiff has availed the original map which she bought from Nakuru lands office. The Court has seen the big map. It has a reference Number that can be traced in the lands Registry. It is therefore a public document within the meaning of S. 38 of the evidence Act. S. 39 too is applicable.

Further, I find that the map is only being produced to show the position of the suit land. No issue on interpretation of the map has so far been raised. I hence allow the map to be produced as an exhibit.

As for the document listed as item No 5, the same was not addressed to PW 1. It was not copied to her either. The objection is upheld and the production of the document at this stage is declined.

DELIVERED, DATED AND SIGNED AT MERU THIS DAY OF 26TH, JULY,2017 IN THE PRESENCE OF:

C:A Janet

Rimita for Plaintiff present

Miss Kiome for Plaintiff present

HON. L. N. MBUGUA

ELC JUDGE