



REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MERU
ELC APPEAL NO.13 OF 2017 (FORMERLY HCA 25B /2011)

JAPHET MUGAMBI IGWETA.....APPELLANT

VERSUS

EUNICE NJIRA KUURARESPONDENT

R U L I N G

1. The Notice of Motion dated 23rd July, 2017 seeks the following orders:-

1. That this Honourable Court be pleased to allow the appellant to amend his memorandum of appeal in terms of the draft annexed hereto.
2. That the costs be in this suit.

2. The application is based of the grounds that:-

- a. That the Appellant needs to canvas other grounds of appeal which are not in the memorandum of appeal.
- b. That in order for the Court to determine the issues in controversy effectively an amendment is called for.
- c. That it is in the interest of Justice that the application is preferred.

3. The application is supported by the Supporting Affidavit of Japhet Mugambi Igweta sworn on 23rd May, 2017 and has the following grounds.

1. That the Applicant needs to amend memorandum of appeal to capture the grounds applicant need to canvas together with the earlier ones in the initial memorandum dated 2.3.2011
2. That for the court to effectively adjudicate on the matter leave for amendment must be sought since the directions have been given already.

4. I find that this is a very old matter. It is only after it was earmarked for dismissal on 23.5.17 that this application was brought forth. No plausible explanation has been advanced as to why applicant has waited this long to file the application.

Nevertheless, the Court proceeds to allow the application in the interest of justice but on the following terms.

1. The Amended memorandum of Appeal to be filed and served within 7days failing of which the amendment is disallowed.

2. Applicant to meet costs of the application.

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

C:A Janet

Mwanzia for the Appellant

Haroun Gitonga for the Respondent absent

HON. L. N. MBUGUA

ELC JUDGE