



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT AT MERU**

**CIVIL SUIT NO 616 OF 1993**

M'RINGERA M'MBWIRIA.....PLAINTIFF

VERSUS

SARAH KAIMURI M'ITONGA.....DEFENDANT

**RULING**

This Ruling is in respect of the application for adjournment made by Plaintiff's Counsel on the basis that they don't have their witnesses.

I find that on 09.05.17, the case was adjourned at the instance of the Plaintiff for Plaintiff to avail the makers of MF1 2 and 3.

Today the Court has been informed that the maker of MF1 2 cant be traced. No reasons have been advanced as to why the other witness (maker of MF1 3) is not in Court.

The Court has not been told as to what efforts have been made to trace the witness.

This is a 1993 case which means that it has been in the Court corridors for close to 24 years. The litigants have aged and a case in point is the defendant who is a very old woman.

Justice delayed is also justice denied. See article 159 2(b) of the Constitution and Section 1 A and 1 B of the Civil Procedure Act.

I decline to grant any adjournment in the matter.

**DELIVERED DATED AND SIGNED IN OPEN COURT AT MERU THIS 26TH JULY, 2017**

**IN THE PRESENCE OF:-**

CA: Janet

Murango Mwenda for Defendant

Mwirigi h/b for Mr. Kariuki for Plaintiff

**HON. L.N. MBUGUA**

**JUDGE**