



**REPUBLIC OF KENYA**

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

**ELC CASE NO. 153 OF 2017**

ESTHER KAMATHI MWIMBI (Suing as the administratrix  
of the estate of ROMANO MWIMBI)-Deceased.....PLAINTIFF

VERSUS

ZAVERIO MITHIKA.....DEFENDANT

**RULING**

This ruling is in respect of the application made to have the Replying Affidavit of 19.07.17 expunged as it was filed outside the period given by the Court on 12.06.17. On 12.06.17, Mwanzia Advocate had informed the Court that he needed 21 days. The Court gave them 14 days. The Replying Affidavit was hence filed even outside the 21 days period. This averment that defendant was ailing doesn't hold as no Supporting documents have been availed. As such the Replying Affidavit is hereby expunged from the Record (See Section 1A of the Civil Procedure Act) as issue of compliance with Court's directions.

**DELIVERED, DATED AND SIGNED AT MERU THIS 19TH DAY OF JULY , 2017**

**IN THE PRESENCE OF:-**

C:A Janet

Carlpeters Mbaabu for the Plaintiff/Applicant

Muia Mwanzia for the Defendant /Respondent

**HON. L.N. MBUGUA**

**ELC JUDGE**