

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT MERU

CIVIL SUIT NO. 52 OF 1998

PETER KILEMI M'ITIMITU Legal representative of the estate of

M'ITIMITU M'MWITHIA -Deceased.....PLAINTIFF

VERSUS

DIOCESE OF MERU.....1ST DEFENDANT

ROMANO KOBIA (TERESSA KAARI KOBIA as legal

Representative of ROMAN KOBIA LINYIRU-deceased.....2ND DEFENDANT

RULING

This Ruling is in respect of objection raised by Counsel for Defendants to the effect that Plaintiff should not be given any more time to file a Valuation Report.

I have perused the Courts record, I find that this is a very old matter. The Court of Appeal delivered its Judgment way back on 31.07.15. The issue of compensation was to be dealt with by the ELC Court. It therefore follows that parties knew that at some point, the issue of valuation would have to be dealt with. And this is why the Court gave directions regarding valuation on 13.06.17.

Pursuant to provisions of Section 1 A (1) of the Civil Procedure Act, a party or an Advocate is obliged to comply with Court's orders.

I find that the explanation given by Plaintiff's counsel is not plausible in view of the fact that parties have all along been aware of the Court of appeal decision. I hence uphold the objection and I decline to grant plaintiff's side more time to file a report.

DELIVERED, DATED AND SIGNED AT MERU THIS 19TH DAY OF JULY, 2017 IN THE PRESENCE OF:-

CA: Janet

Mwiti for Plaintiff

Mutegi for 1st Defendant

Gichuki for 2nd defendant

HON. L. N. MBUGUA

JUDGE