



REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT
AT MOMBASA
CIVIL SUIT NO. 265 OF 2003

DR. JACOB NGUCIE MWANGI.....PLAINTIFF

VERSUS

KADZEHA NGALA.....DEFENDANT

RULING AND/OR DIRECTIONS

1. This is the Chamber Summons dated 20th July 2017.

It seeks orders;

i. That the Honourable Court be pleased to review, vary and/or set aside the ruling/order made on 20th July 2017.

ii. That costs of this application be in the cause.

2. The grounds are on the face of the application and are listed as paragraphs 1 – 10. It is supported by the affidavit of Mary Mwangata, Advocate sworn on the 20/7/17 and another by Kitonga O. Kiiva Advocate sworn on the 15/9/2017.

3. I have considered the Application and the affidavits in support. I have also considered the oral submissions of counsels. I have gone through the court record. Judgement was entered on 15th September 2004.

No appeal was filed against the said judgement. It has been thirteen (13) years since the judgement was entered.

4. I find that there has been inordinate delay in bringing the application dated 25/4/2017. The Respondent's counsel submitted that execution has been completed.

I find that reinstating the application dated 25/4/2017 would serve no meaningful purpose.

I find no merit in this application and the same is dismissed.

I make no orders as to costs.

It is so ordered.

Dated, signed and delivered at Mombasa on the 19th day of October 2017.

L. KOMINGOI

JUDGE

19/10/2017