

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT MERU

CIVIL SUIT NO. 202 OF 1995

NTARAGWI M'IKARA.....PLAINTIFF

VERSUS

JACKSON MUNYUA MUTUERA.....DEFENDANT

R U L I N G

When this matter came up for hearing on 09:10:17, Plaintiff's Counsel prayed for a stay of further proceedings herein averring that plaintiff had appealed on this Court's ruling whereby the Court had barred Plaintiff from producing some documents.

This prayer (for stay of proceedings) was objected upon by defence Counsel who stated that only a Notice of Appeal has been filed despite the fact that the Ruling was delivered way back on 08:05:17.

I have perused the file and I find that this is a 1995 matter. However, the dispute itself appears to have been there even in the 1970's.

Pursuant to provisions of article 159 2 (b) "**Justice shall not be delayed**". Already this matter has been in the litigation arena for a long time. This Court will not be upholding its Constitutional mandate if it was to allow the proceedings to stall.

In absence of any stay order from the appeal Court, I decline to allow the application.

I direct that the matter be heard on priority basis.

DELIVERED, SIGNED AND DATED AT MERU THIS 18TH DAY OF OCTOBER, 2017 IN THE PRESENCE OF:-

CA: Janet

Kaimba for defendant present

Anampiu Ayub H/B for Kioga for Plaintiff present

Hon. L.N MBUGUA

ELC JUDGE