

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT MERU

ELC CASE NO. 161 OF 2017

DAVID KIOGORA KIRIMANIA.....PLAINTIFF

VERSUS

MIRINGU MUCHAI IKABU.....1ST DEFENDANT/RESPONDENT

PETER MAINA.....2ND DEFENDANT/RESPONDENT

RULING

I find that on 9.10.17 the court gave clear directions that the respondent was to file and serve their response within 7 days from 9.10.17. The response has not been filed and served within the given time. The Replying Affidavit was filed and served today. They (Respondents) are late with just one day. This court retains the inherent jurisdiction to make such orders as may be necessary to meet the ends of justice (**See Interactive Ganning and Lotteries Limited VS Flint East Africa and 2 Others NBI HCC 115 OF 2011**).

I proceed to allow the Replying Affidavit to be part of the record in view of the fact that the delay in filing is not inordinate.

Hon. L.N. MBUGUA

ELC JUDGE

P.K Kamau: We can file submissions.

Court: Directions are given for the application to be canvassed by way of filing submissions.

Mention on 4.12.17 for submissions.

DELIVERED, DATED AND SIGNED AT MERU THIS 17TH DAY OF OCTOBER, 2017 IN THE PRESENCE OF:-

C:A Janet

P.K. Kamau for Plaintiff present

Omari H/B FOR Manene for Respondent Present

Hon. L.N.MBUGUA

ELC JUDGE