

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT MERU

ELC NO. 60 OF 2002

SURESH KUNDAN WASONPLAINTIFF

VERSUS

SATISH KUNDAN WASONDEFENDANT

RULING

1. This Ruling is in respect of the application filed on 01.08.17 where applicant seeks orders of review of the Ruling delivered on 29:06:17.
2. I have perused the record. The Plaintiff apparently died on 23:02:11. From 15:03:11 to 16:07:14 the matter remained dormant and on 14:07:14, the present Applicant made an application to have the suit revived. The application was heard this year and a Ruling was delivered on 29:06:17 whereby the Court found that the application (dated 11:07:14) lacks merits and the same was dismissed.
3. It is that Ruling which the Applicant desires to have it reviewed.
4. The Applicant states that she is the illiterate widow of the deceased and that she will be rendered landless if the suit is not revived. I find that in the earlier application (of July 2014) Applicant had the ability to seek legal advices. She was even filing a Succession Cause. The issue of her being illiterate does not hold.
5. I find no error on the face of the record. Reviewing the orders given by the Court on 29.06.17 would in essence amount to sitting on appellate forum.
6. I find that the application is unmerited.
7. The same is hereby dismissed with no orders as to costs.
8. This filed is to be marked as closed and to be taken to archives.

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

CA: Janet

Mutungu for Plaintiff Respondent

Kimathi E. H/B for Gatari Ringera for Defendant /Applicant

Hon. L. N. MBUGUA

ELC JUDGE