



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MERU
IN THE ENVIRONMENT AND LAND COURT
CIVIL SUIT NO. 165 OF 2014

**PHILOMENA KARIMI KIMATHI (Suing as the legal Administrator of the
estate of the late SANTAMIANO M'ARIMI ALIAS DOMIANO ARIMI).....PLAINTIFF**

VERSUS

COUNTY GOVERNMENT OF MERU.....DEFENDANT

R U L I N G

This ruling covers 3 matters:-

1. *An Interlocutory judgment dated 23rd day of March, 2015 entered against the defendant.*
2. *A Notice of Preliminary objection filed by the Defendant and dated 24th February,2015.*
3. *Directions regarding the hearing of an application for injunctive orders dated 27/10/2014 filed by the Plaintiff.*

On 14/03/2016, Mr. Murithi, for the Plaintiff admitted that by the time the Interlocutory Judgment in this case was entered, the Defendant had already filed a statement of evidence . He was inclined to blame this Court's DR for the obvious inadvertence.

Regarding the Preliminary Objection, Mr. Kibiti. For the Defendant , told the Court that, his Client wished to withdraw it.

I do issue orders as follows:-

1. *The Interlocutory Judgment entered against the Defendant and dated 14/03/2016 is hereby set aside and declared void ab initio. No formal proof proceedings can be predicated upon the Judgment.*
2. *The Preliminary Objection by the defendant dated 24/2/2015 is marked as withdrawn and settled.*
3. *Parties are directed to fully comply with Order 11, CPR within 60 days with the Plaintiff doing so within 30 days of today and the defendant doing so within 30 days after service upon him of the plaintiff's compliance documents.*

4. *Cost shall be in the cause.*

It is so ordered.

Delivered in open Court at Meru this 23rd day of March, 2016 in the presence of:

CC: Daniel/Lilian

P. M. NJOROGE

JUDGE