



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT OF KENYA

AT NAKURU

HCC 356 OF 2010

LEAH WANGUI MBURUPLAINTIFF

VERSUS

MICHAEL W. GITHUMBI1ST DEFENDANT

JOHN GITONGA2ND DEFENDANT

**NUCLEAR INVESTMENTS COMPANYLIMITED 3RD
DEFENDANT**

RULING

1. I was today meant to deliver a ruling on the application dated 10 December 2015. The same was argued on 22 September 2016. I have however not been able to make a ruling since I am unable to comprehend what exactly is before this court. It appears as if the original court file got lost and there was attempt at reconstruction. But what I have before me are documents which cannot lead me to know what and where the plaint is or other pleadings such as defence etc.

2. I am of the view that the parties first need to file a properly reconstructed file before I can deal effectively with the application of 10 December 2015.

3. I direct the plaintiff to comply with the above within 30 days.

4. It is so directed.

Dated, signed and delivered in open court at Nakuru this 13th day of October 2016.

MUNYAO SILA

JUDGE

ENVIRONMENT & LAND COURT

AT NAKURU

In presence of :-

Ms. Ndungu for plaintiff

Mr. Kariuki for 2nd defendant/applicant

Ms. Chepngetich holding brief for Mr. Kabathi for 3rd defendant.

No appearance on part of 1st defendant

Court Assistant : Janet

MUNYAO SILA

JUDGE

ENVIRONMENT & LAND COURT

AT NAKURU