



REPUBLIC OF KENYA
ENVIRONMENT AND LAND COURT OF KENYA

AT MALINDI

LAND CASE NO. 84 OF 2013

1. THOMAS GONA RIMBA

2. KANZE KAINGU NDURIA.....PLAINTIFFS

=VERSUS=

1. MARIO ROSSI

2. WILLIAM KOMBE KIPAWA

3. ALBERT MRABU

4. SHIDA SIMANI

5. EDWARD SAMINI

6. DAVID ZOBE

7. CHARO KONE

8. AGNES GUNGA BICHONDO

9. CHIMEGA.....DEFENDANTS

R U L I N G

Introduction

1. The Application before me is dated 25th November 2013 seeking for the following reliefs:

(a) That the Honourable court be pleased to set review and/or vary or set aside the Orders issued on 20th November 2013 dismissing the Application dated 18th September 2013.

(b) That the court be pleased to direct that these two Applications be heard concurrently on the same day.

(c) THAT the cost of this Application be in cause.

2. The Application is supported by the Affidavit of the Plaintiff's Advocate who has deponed that the failure to attend court to prosecute the Application of 18th September 2013 was as a result of the advocate who was unwell and could not attend court.
3. The Respondents did not file any response to the Application. In the circumstance, the Plaintiff's Application is unopposed.
4. I am satisfied, on the basis of the Plaintiffs' advocate's affidavit that the failure by the Plaintiff's advocate to attend court on 20th November 2013 was not deliberate.
5. I therefore allow the Application dated 25th November 2013 in the following terms:

(a) That the court hereby set aside its orders issued on 20th November 2013 dismissing the Application dated the 18th September 2013 for non-attendance and want of prosecution.

(b) Each party to bear its own costs.

Dated and delivered in Malindi this 4th Day of **April 2014**

O. A. Angote

Judge