



**Keter v Koech & 3 others (Civil Application E006 of 2022)
[2023] KECA 612 (KLR) (26 May 2023) (Order)**

Neutral citation: [2023] KECA 612 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT NAKURU
CIVIL APPLICATION E006 OF 2022
LA ACHODE, JA
MAY 26, 2023**

BETWEEN

ESTHER CHEMUTAI KETER APPLICANT

AND

DAVID KIPKORIR KOECH 1ST RESPONDENT

RACHER CHEROTICH KETER 2ND RESPONDENT

STELLA CHEMUTAI KETER 3RD RESPONDENT

DISTRICT SURVEYOR – BURETI 4TH RESPONDENT

(An application for extension of time to lodge an appeal as well as to file and serve the Record of Appeal from judgement of the Kericho Environment & Land Court (M.C. Oundo. J) dated 28th May 2021 In Kericho No.73 of 2016)

ORDER

1. Esther Chemutai Keter (the applicant) filed an application dated January 28, 2022 for orders for extension of time to file, lodge and serve the notice of appeal and the record of appeal out of time. The firm of M/S JK Rono & Co Advocates filed written submissions dated February 18, 2022 on behalf of the applicant.
2. David Kipkorir Koech, Rachel Cherotich Keter, Stella Chemutai Keter and District Surveyor -Bureti Sub-County are the respondents.
3. The firm of M/S JK Rono & Co Advocates, applicant's advocates were duly served with a hearing notice vide an email on December 28, 2022. The said hearing notice indicated that: this application would be heard on Tuesday January 24, 2023; the application would be heard by way of written submissions; and that applicant's advocates to serve the hearing notice to the 1st 2nd and 3rd respondents in person.



4. At the time of writing this ruling, i realized that the respondents had neither filed a reply to the application nor their written submissions. Further, the affidavit of service is not on the record to prove that service of the hearing notice was effected upon the respondents as was directed.
5. In view of the above and in the interest of justice I order that the file be returned to the registry for the application to be served upon the respondents and return of service be duly filed. The matter shall thereafter be listed for direction before it is set down for hearing.

DATED AND DELIVERED AT NAKURU THIS 26TH DAY OF MAY, 2023.

L. ACHODE

.....

JUDGE OF APPEAL

I certify that this is a true copy of the original.

Signed

DEPUTY REGISTRAR

