



Mailu (Suing as the Legal Representative of the Estate of Mailu Mulinge - Deceased) v Deputy County Commissioner Mukaa Sub County & 2 others (Civil Application E133 of 2023) [2023] KECA 1656 (KLR) (15 December 2023) (Order)

Neutral citation: [2023] KECA 1656 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT NAIROBI
CIVIL APPLICATION E133 OF 2023
F TUIYOTT, JA
DECEMBER 15, 2023**

BETWEEN

MUTUA MAILU (SUING AS THE LEGAL REPRESENTATIVE OF THE ESTATE OF MAILU MULINGE - DECEASED) APPLICANT

AND

DEPUTY COUNTY COMMISSIONER MUKAA SUB COUNTY 1ST RESPONDENT

DIRECTOR OF LAND ADJUDICATION NAIROBI 2ND RESPONDENT

LAND REGISTRAR MAKUENI COUNTY 3RD RESPONDENT

(An application for extension of time within which to lodge a memorandum of appeal and record of appeal out of time from the judgment of the Environment and Land Court at Makueni (T. Murigi, J.) dated 19th October 2022 in ELC JR Application No. E007 of 2021)

ORDER

1. I should have made this order earlier and apologize to parties.
2. Although this matter was due for hearing on 2nd October 2023, Kamolo & Associates advocates representing one of respondents, had written a letter dated 14th June 2023 indicating that they had not been served with the application and were, therefore, not in a position to prepare a response or submissions in answer. There is then a letter of 29th September 2023 by the applicant who is self-represented, confirming that he has not served the application on all the respondents, not just the one represented by Kamolo & Co. Advocates, and seeking more time to do so.
3. Clearly, the matter cannot proceed and I direct that:



- a. The applicant do serve the application on all respondents within 21 days hereof.
- b. Thereafter the registry do list the application for hearing on a priority basis.

MADE AT NAIROBI THIS 15TH DAY OF DECEMBER, 2023.

F. TUIYOTT

.....

JUDGE OF APPEAL

I certify that this is a true copy of the original

Signed

DEPUTY REGISTRAR

