



**James v Mburu (Environment and Land Appeal E026 of 2022)  
[2025] KEELC 645 (KLR) (20 February 2025) (Ruling)**

Neutral citation: [2025] KEELC 645 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT KAJIADO  
ENVIRONMENT AND LAND APPEAL E026 OF 2022  
LC KOMINGOI, J  
FEBRUARY 20, 2025**

**BETWEEN**

**JOHNSON GATAUWA JAMES ..... APPELLANT**

**AND**

**LEAH WANJIRU MBURU ..... RESPONDENT**

**RULING**

1. This court on the 25<sup>th</sup> April 2024 delivered its Judgment and dismissed the Appeal with costs to the Respondent. The Appellant then filed the Notice of Motion 1<sup>st</sup> July 2024 which was dismissed for non-attendance on the 24<sup>th</sup> September 2024.
2. The Notice of Motion dated 27<sup>th</sup> September 2025 seeks reinstatement of the Notice of Motion dated 1<sup>st</sup> July 2024 which was filed after a long delay.
3. It is my view that this court is functus officio having rendered its Judgment on 25<sup>th</sup> April 2024. Reinstating the Notice of Motion dated 1<sup>st</sup> July 2024 will serve no purpose.
4. If the Appellant is dissatisfied with the Judgement of this Honourable Court he ought to pursue an appeal. I find no merit in this Application and the same is dismissed with no orders as to costs.

**DATED, SIGNED AND DELIVERED VIRTUALLY AT KAJIADO THIS 20<sup>TH</sup> DAY OF FEBRUARY 2025.**

**L. KOMINGOI**

**JUDGE**

In the presence of:

Ms. Kaberia for Mr. Mbigi for the Appellant.

N/A for the Respondent.



Court Assistant – Mutisya.

