



Lusambo alias Iddi Ndaya Lusambo (Suing on own behalf and on behalf of the Estate of Kamila Mpemba alias Jeanette Von Rohr) v Mpemba & another (Environment & Land Case E25 of 2023) [2024] KEELC 4443 (KLR) (4 June 2024) (Ruling)

Neutral citation: [2024] KEELC 4443 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MALINDI
ENVIRONMENT & LAND CASE E25 OF 2023**

FM NJOROGE, J

JUNE 4, 2024

BETWEEN

KENZO HUGUES NDAYA LUSAMBO ALIAS IDDI NDAYA LUSAMBO (SUING ON OWN BEHALF AND ON BEHALF OF THE ESTATE OF KAMILA MPEMBA ALIAS JEANETTE VON ROHR) PLAINTIFF

AND

MPEMBA OMAR MPEMBA 1ST DEFENDANT

NASSIR OMAR MOHAMMED 2ND DEFENDANT

RULING

1. The notice of motion application for determination in the present ruling is dated 26/2/2024 and it was filed by the 2nd defendant on 28/2/2024. It seeks orders that the suit herein be struck out with costs for on the grounds stated on its face which I will not reiterate here for reasons that are apparently in the rest of this ruling. The application came up before this court on 20/3/2024 when the court ordered that the same be served within 7 days and that an affidavit of service be filed in default of which the motion would stand dismissed for want of prosecution. I have perused the file record as well as the CTS and found that the orders were not complied with and the application dated 26/2/2024 is hereby dismissed for want of compliance with court orders.

DATED, SIGNED AND DELIVERED AT MALINDI VIA ELECTRONIC MAIL ON THIS 4TH DAY OF JUNE 2024.

MWANGI NJOROGE

JUDGE, ELC, MALINDI

