



Swing Limited v Attorney General Sued on behalf of the (Kenya Meteorological Department) & 4 others (Environment & Land Case 114 of 2020) [2024] KEELC 5661 (KLR) (16 July 2024) (Ruling)

Neutral citation: [2024] KEELC 5661 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
ENVIRONMENT & LAND CASE 114 OF 2020**

**LN MBUGUA, J
JULY 16, 2024**

BETWEEN

SWING LIMITED PLAINTIFF

AND

**ATTORNEY GENERAL SUED ON BEHALF OF THE (KENYA METEOROLOGICAL DEPARTMENT) 1ST DEFENDANT
DEVELOPMENT AND PUBLIC WORKS 2ND DEFENDANT
LANDS AND PHYSICAL PLANNING 3RD DEFENDANT
THE ATTORNEY GENERAL 4TH DEFENDANT
UNITED CARE LIMITED 5TH DEFENDANT**

RULING

1. I have perused the court record. I find that indeed there are documents which have been filed by the Attorney General on 15.7.2024 which includes witness statements and a rather bulky bundle. None of the advocates have sought for the expunging of the said documents. If the hearing commences today, it means that the hearing would not be in tandem with the principles of a fair hearing as envisaged under Article 50 (1) of *the constitution*. In that regard, the court adjourns the case on the basis that some documents have been filed by the Attorney General just a day before the hearing, of which the 5th defendant is of the opinion that they stand to be prejudiced.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 16TH DAY OF JULY, 2024 THROUGH MICROSOFT TEAMS.

LUCY N. MBUGUA

JUDGE



In the presence of:-

Thuo for Plaintiff and P. Muite

Kamau A for Attorney General

Odati for 5th Defendant

Court assistant: Joan

