



Githere and Mburu (As administrators of the Estate of David Mburu Githere - Deceased) & another v Ruhangi & 6 others (Environment & Land Case 748 of 2013) [2024] KEELC 6249 (KLR) (19 September 2024) (Ruling)

Neutral citation: [2024] KEELC 6249 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
ENVIRONMENT & LAND CASE 748 OF 2013
LN MBUGUA, J
SEPTEMBER 19, 2024**

BETWEEN

**CATHERINE KIBUI MBURE GITHERE AND JAMES GITHERE MBURU
(AS ADMINISTRATORS OF THE ESTATE OF DAVID MBURU GITHERE -
DECEASED) 1ST PLAINTIFF**

GEORGE JONATHAN MAARA 2ND PLAINTIFF

AND

JOHN PETER KAMAU RUHANGI 1ST DEFENDANT

GUMCHEM KENYA LIMITED 2ND DEFENDANT

PARAMOUNT UNIVERSAL BANK LIMITED 3RD DEFENDANT

INTEGRA AUCTIONEERING COMPANY 4TH DEFENDANT

NAIROBI CITY COUNTY 5TH DEFENDANT

WANDERJOY PARTY WORLD LIMITED 6TH DEFENDANT

ISAAC MAINA WANDERE 7TH DEFENDANT

RULING

1. This file came up for directions on 1.7.2024 in respect of a pending application dated 26.4.2024, of which the court gave directions on the prosecution of the said application including the filing of submissions and a mention date was given for 17.9.2024 to confirm the filing of submissions. The matter is scheduled for hearing on 19th and 20th November 2024.



2. On 17.9.2024, plaintiffs counsel sought more time to file submissions or for the court to give directions on the prosecution of the application averring that the matter was to come up on 3.7.2024 but it was not in the cause list.
3. The respondents have requested for a date for the ruling.
4. A perusal of the records indicate that on 30.5.2024, the matter was handled by Judge Angote when plaintiffs advocate brought to the attention of the Judge that they had a pending application dated 26.4.2024. The Judge proceeded to give orders that the matter be mentioned on 1.7.2024 for directions.
5. Subsequently the matter was cause listed on 1.7.2024 before me when the court proceeded to give directions on the prosecution of the said application. The applicants who were absent on 1.7.2024 have not given any plausible explanation as to why they never appeared in court on 1.7.2024 as directed by Judge Angote.
6. To this end, there is no basis of giving any further directions save to give a date for ruling. To this end, the ruling on the application dated 26.4.2024 shall be delivered on 14.11.2024.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 19th DAY OF SEPTEMBER 2024 THROUGH MICROSOFT TEAMS.

LUCY N. MBUGUA

JUDGE

In the presence of:-

Njengo for 1st & 2nd Defendant

Wainaina holding brief for Kerubo for Kamau for the Plaintiff

Muchiri holding brief for Mbaabu for 3rd & 4th Defendants

Court Assistant: Eddel

