



Ruenji v Omwenga & another; Jangara (Interested Party) (Environment & Land Case 609 of 2014) [2023] KEELC 882 (KLR) (14 February 2023) (Ruling)

Neutral citation: [2023] KEELC 882 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
ENVIRONMENT & LAND CASE 609 OF 2014
LN MBUGUA, J
FEBRUARY 14, 2023**

BETWEEN

LYDIA WANJIKU RUENJI PLAINTIFF

AND

THOMAS OMWENGA 1ST DEFENDANT

DANIEL SIBWORI 2ND DEFENDANT

AND

FLORENCE OUMA JANGARA INTERESTED PARTY

RULING

1. I have perused the file. I find that counsel Gekonge has formally been on record in this file since July 23, 2019 when he filed a notice of change of advocates to represent all the defendants. He was taking over from previous advocates known as Chumo Mburu advocates who had come on record for defendants via a notice of appointment of advocates filed on February 25, 2016.
2. Subsequent to the notice of change of advocate, Mr Gekonge appeared in court on July 25, 2019 where he addressed the court as follows:

“I am not ready I was instructed the other day”

The matter had come up for hearing on that day of July 25, 2019 but it had to be adjourned.
3. Mr Gekonge was to file an application dated January 25, 2022 seeking leave to cease acting of which the same was allowed on June 21, 2022.



4. The question is at what point did the counsel for 2nd & 3rd defendants get back instructions. It is pertinent to note that today's hearing date was given on June 21, 2022. Thus the defendants ought to have given their instructions in good time so as to be ready for the hearing today.
5. From the analysis of the litigation history, it is apparent that defendants have not taken the proceedings herein with the seriousness the case deserves noting that the suit is now 8 years old. In the circumstances I direct that case shall proceed at 2 pm today in open court.

**DATED, SIGNED AND DELIVERED AT NAIROBI THIS 14TH DAY OF FEBRUARY, 2023
THROUGH MICROSOFT TEAMS.**

LUCY N. MBUGUA

JUDGE

In the presence of:-

Gekonge for 2nd and 3rd Defendants

Njiraini for Plaintiff

1st Defendant

