**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT AT NAIROBI**

**ELC NO. ……………..OF 20………………….**

**SSS………………..…………………….………………………….……...PLAINTIFF/APPLICANT**

**-VERSUS-**

**PPP………………………………………………………………….DEFENDANT/RESPONDENT**

**REPLYING AFFIDAVIT**

**I, …………………………,** residing in Nairobi and of Post Office Number …………., Nairobi, do hereby solemnly swear and state as follows:-

1. **THAT** I am the legal Officer of PPP, the Defendant/Respondent herein. I have full knowledge and information concerning this matter and as such I am competent and I have been duly authorised by the Defendant to swear this Affidavit on its behalf.
2. **THAT** I have read and where necessary had explained to me by **CM ADVOCATES LLP**, Advocates for the Defendant, and have understood the contents of the Plaintiff’s Notice of Motion Application dated ………………. and the Affidavit of even date in support thereof sworn by one ……………… (“the Supporting Affidavit”) and I wish to respond as hereunder:-
3. **THAT** the Plaintiff’s Application seeks to deny the Defendant the right to defend this suit and be heard on merit.
4. **THAT** the Defendant’s statement of Defence raises reasonable defence with triable issues which include but is not limited to the question as to whether or not the lease is operational.
5. **THAT** parties are engaged in negotiations for renewal of the lease term as contemplated in clause 7 of the lease Agreement for a further …………….years. (***Annexed hereto are copies of correspondence exchanged between the parties, produced & marked as “PPP-1”****)*
6. **THAT** I have since deposited rent for the period (May, June, July & August) which the Plaintiff received & acknowledged. (***Annexed hereto is a copy of Cheque No……… for payment of Kshs…….being rent for the period May-July, 2021 & forwarding letter dated …………., produced & marked as “PPP-2”****)*
7. **THAT** it will be prejudicial for the Defendant’s statement of Defence to be struck out whereas the Defendant has a reasonable defence that raises triable issues which can only be determined upon the parties giving evidence at a Hearing.
8. **THAT** I swear this Affidavit in opposition to the Application filed herewith and pray that the same be dismissed with costs to the Defendant.
9. **THAT** what is deponed hereto is true to the best of my knowledge and information.

**SWORN** at **NAIROBI** by the said ]

**PPP** ]

this………….day of…………………..**20..** ]

 . ] ……………………………………

 ] **DEPONENT**

**BEFORE ME:**  ]

 ]

 ]

**A COMMISSIONER FOR OATHS** ]

**DRAWN & FILED BY:**

**CM ADVOCATES LLP**

I & M BANK HOUSE, 7TH FLOOR

2NDNGONG AVENUE

P.O. BOX 22588-00505

**NAIROBI.**

**EMAIL:** law@cmadvocates.com

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**TO BE SERVED UPON:**

PLAINTIFF’S ADVOCATES

ADDRESS