



Pius & 2 others v China Communication Company & another (Environment & Land Case E001 of 2023) [2023] KEELC 20040 (KLR) (25 September 2023) (Ruling)

Neutral citation: [2023] KEELC 20040 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT ISIOLO
ENVIRONMENT & LAND CASE E001 OF 2023
PM NJOROGE, J
SEPTEMBER 25, 2023**

BETWEEN

**KAMAIS PIUS 1ST APPLICANT
GUYO WAKO 2ND APPLICANT
SHINDA BORU 3RD APPLICANT**

AND

**CHINA COMMUNICATION COMPANY 1ST RESPONDENT
KENYA NATIONAL HIGHWAY AUTHORITY 2ND RESPONDENT**

RULING

1. The matter came up for interparties hearing on 25/9/2023. Although the applicant’s Advocate served the application and today’s date upon the respondents, their advocate and his clients did not come to court.
2. On 25/9/2023, Miss Omondi, the 1st defendant’s Advocate asked the court to dismiss the application for non-prosecution and especially because the applicants served the defendants with this hearing date and nevertheless elected not to come to court. I agree with Miss Omondi’s position.
3. In the circumstances, the following orders are issued;-
 - a) The application by the plaintiffs dated July 27, 2023 but filed on August 15, 2023 is hereby dismissed.
 - b) Costs are awarded to the 1st defendant.

DELIVERED IN OPEN COURT AT ISIOLO THIS 25TH DAY OF SEPTEMBER, 2023 IN THE PRESENCE OF:



Court assistant: Denge

HON. JUSTICE P.M NJOROGE

JUDGE

