



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT CHUKA**  
**CHUKA ELC CASE NO 30 OF 2017**

**FORMERLY MERU ELC CASE NO.98 OF 2014**

**ALEXANDER MUGENDI.....1<sup>ST</sup> PLAINTIFF**  
**EDWARD MUTWIRI MBUKO.....2<sup>ND</sup> PLAINTIFF**

**VERSUS**

**DIRECTOR OF KENYA FOREST SERVICES.....1<sup>ST</sup> DEFENDANT**  
**ECOSYSTEM CONSERVATOR THARAKA NORTH...2<sup>ND</sup> DEFENDANT**  
**KOKI TIMBER & SAW MILLER.....3<sup>RD</sup> DEFENDANT**  
**MJAMBA NJIRU TECHNIQUES.....4<sup>TH</sup> DEFENDANT**  
**MUNJUS TIMBER & FURNITURE.....5<sup>TH</sup> DEFENDANT**  
**MT. KENYA EAST ENVIRONMENT**  
**CONSERVATION ASSOCIATION.....6<sup>TH</sup> DEFENDANT**  
**KAMWERU AUTO GROUP.....7<sup>TH</sup> DEFENDANT**

**RULING**

1. Notice was issued for parties to come to court on 21.2.2017 to show cause why this suit should not be dismissed for want of prosecution in terms of order 17 rule 2 (1) of the Civil Procedure Rules.
2. On 21.2.2017, despite service, the plaintiff did not turn up in court. M/s Rimita, holding brief for Kiogora Arithi for the plaintiff, asked the court to give Mr. Kiogora 30 days to contact his clients.
3. The 1<sup>st</sup> and 2<sup>nd</sup> defendants were represented by advocate Kaimba, holding brief for Joe Kathungu, their advocate.
4. Mr Kaimba told the court that the 1<sup>st</sup> and 2<sup>nd</sup> defendants had filed an application dated 13<sup>th</sup> January, 2015 which sought dismissal of the suit for want of prosecution. He told the court that the 1<sup>st</sup> and 2<sup>nd</sup>

defendants sought dismissal with costs to be awarded in their favour.

5. I note that since the suit was filed in June, 2014, the matter has never been placed before a Judicial Officer.

6. I find that the parties have not shown to the satisfaction of the court why this should not be dismissed.

7. This suit is dismissed.

8. Costs are awarded to the 1<sup>st</sup> and 2<sup>nd</sup> defendants.

9. It is so ordered.

Delivered in open court at Chuka this 28<sup>th</sup> day of February, 2017 in the presence of:

CA: Ndegwa

Otieno C h/b Joe Kathungu for the 1<sup>st</sup> and 2<sup>nd</sup> defendants

Others parties absent

**P. M. NJOROGE**

**JUDGE**