



**REPUBLIC OF KENYA**

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

**CHUKA ELC [CA] CASE NO 75 OF 2017**

**FORMERLY MERU ELC [CA] CASE NO. 111 OF 2013**

JOSEPH MIIRU KIRUMPU ..... 1<sup>ST</sup> APPELLANT

KITHINJI MUTITHI.....2<sup>ND</sup> APPELLANT

MURITHI MUTITHI.....3<sup>RD</sup> APPELLANT

VERSUS

VERONICA GATARU GERRALD.....RESPONDENT

**RULING**

1. Parties were to come to court to show cause why the appeal should not be dismissed for want of prosecution in terms of order 17, Civil Procedure Rules.
2. The appeal had also been listed for dismissal in terms of order 42 Rule 35(2) Civil Procedure Rules.
3. On 25th July, 2017, the Respondent asked the court to dismiss the appeal.
4. Two appellants were not in court and no explanation was given for their absence. The one in court **Joseph Miiru Kirumpu** did not give to court any reason why the Appeal should not be dismissed.
5. In the circumstances, the appeal is dismissed with no order as to costs.
6. It is so ordered.

Delivered in open court at Chuka this **25<sup>th</sup> day of July, 2017** in the presence of:

CA: Ndegwa

Joseph Miiru Kirumpu - 1<sup>st</sup> Appellant

Veronica GataruGerald – Respondent

**P.M. NJOROGE**

**JUDGE**