



**REPUBLIC OF KENYA**

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

**CHUKA ELC CIVIL APPEAL CASE NO. 58 OF 2017**

**FORMERLY MERU ELC CIVIL APPEAL NO. 02 OF 2013**

M'NDAKA KAJIUMIA M'MBIRITHI.....APPELLANT

VERSUS

ERASTUS KIRUJA RIUNGU.....RESPONDENT

**RULING**

1. When the parties were to come to court on **14.12.2017** to show cause why this suit should not be dismissed for want of prosecution in terms of order **42 rule 35(2)** of the Civil Procedure Rules, they did not turn up. The matter had been listed for dismissal before me.
2. I am satisfied that the apposite notice was properly issued.
3. I find that the parties have failed to show cause why this suit should not be dismissed for want of prosecution in terms of order 42 rule 35(2) of the Civil Procedure Rules. The suit, therefore, merits dismissal.
4. The suit is dismissed.
5. It is so ordered.

**Delivered in open court at Chuka this 14<sup>th</sup> day of December, 2017**

in the presence of:

CA: Ndegwa

Parties not in court

**P.M. NJOROGE**

**JUDGE**