

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT NAIROBI

ELC CASE NO. 373 OF 2008

GEORGE GITAU GATUMAPLAINTIFF

VERSUS

JAMES MUCHENE GATUMA.....1ST DEFENDANT/RESPONDENT

REGISTRAR OF LANDS.....2ND DEFENDANT/RESPONDENT

HON. ATTORNEY GENERAL.....3RD DEFENDANT/RESPONDENT

THE BOARD MEMBER OF THE CHURCH

OF RESTORATION (MUTUINI).....4TH DEFENDANT/RESPONDENT

JUDGMENT

On 25/5/2015, the parties were directed to fully comply with order 3, 7 and 11 of the Civil Procedure Rules within 60 days. Hearing was fixed for today, 25/1/2016. When the matter came up for hearing only the 1st Defendant was in court.

This suit was filed way back in the year 2008 7 years ago. This case illustrates why the public perceives the Judiciary as a veritable natural procrastinator of delivery of justice. Clearly in this case the Plaintiff's conduct does not evince co-operation with the court so that justice can be dispensed timeously. It is also clear that the 2nd, 3rd and 4th Defendants, who are also not in court today, have not helped the situation.

In this suit, the 1st Defendant has no counter claim. The other Defendants are absent. In terms of the provisions of Order 12 Rule 3 of the Civil Procedure Rules, I dismiss this suit.

I award costs to the 1st Defendant only.

It is so ordered.

Delivered in open court at Nairobi this 25th day of **January, 2016** in the presence of: -

Court clerk – Daniel

P.M. NJOROGE

JUDGE