



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT MERU**

**JUDICIAL REVIEW MISCELLANEOUS CIVIL APPLICATION NO. 72 OF 2011**

**IN THE MATTER OF AN APPLICATION M'KUNGANIA S/O MARETE ALIAS  
M'KUNGANIA M'MARETE FOR AN ORDER OF PROHIBITION**

**AND**

**IN THE MATTER OF THE CHAIRMAN MERU CENTRAL DISTRICT LAND DISPUTES  
TRIBUNAL CASE NO. 28 OF 2009 OVERLAND PARCEL NO NKUENE/KATHERA/40**

**BETWEEN**

**THE REPUBLIC .....APPLICANT**

**VERSUS**

**THE CHAIRMAN MERU CENTRAL DISTRICT**

**LAND DISPUTE TRIBUNAL.....RESPONDENT**

**TABITHA KAREA KUNGANIA**

**JERICA KIRIGO MBAYA**

**LILIAN GAUKU**

**ALICE MUGITO KABURU**

**CATHERINE NTIBUKA.....}INTERESTED PARTIES**

**RULING**

1. The Parties were to come to Court on 8/11/2016 to show cause why this suit should not be dismissed for want of prosecution. Although this direction was given in the presence of the Advocates for the Exparte Applicant and the respondent, the Interested Parties were not represented.
2. On 08/11/2016 all the parties failed to come to Court. In normal circumstances , a Court would be entitled to dismiss the apposite suit.
3. I, however , find that no notice was issued by the Court as required by the law. It may also be that the Interested Parties were not aware that they were required to show cause why this suit should not be

dismissed.

4. In the Circumstances, this suit is not dismissed. I direct that proper notice be issued for the parties to come to Court on a specified day when they will show cause why this suit should not be dismissed.

5. It is so ordered.

**DELIVERED IN OPEN COURT AT MERU THIS 29TH DAY OF NOVEMBER, 2016 IN THE PRESENCE OF:-**

CA: Daniel /James

Kiogora Arithi for the Exparte Applicant

Kiongo for the Respondent

Ashava h/b Mwirigi for the Interested Parties

**P. M. NJOROGE**

**JUDGE**