



REPUBLIC OF KENYA

IN THE LAND AND ENVIRONMENT COURT AT ISIOLO

ELC CASE NO. 008 OF 2021

ADAN CHUDA SODE.....PLAINTIFF

-VERSUS-

KOISE IBRAHIM KOISE.....1ST DEFENDANT

MADINA OSHE JIRA.....2ND DEFENDANT

SODE MUDA KEKO.....3RD DEFENDANT

ADAN MOHAMED CHUDA.....4TH DEFENDANT

COUNTY GOV'T OF MARSABIT.....5TH DEFENDANT

RULING

1. I reproduce in full a ruling delivered by this court on 14th of February, 2022.

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RULING

1. This is an interesting case. A plaint was filed on 27th of August, 2020, 2 years ago at Meru.

2. The file was transferred from Meru to Isiolo towards the end of 2021. Earlier on the file had been transferred from Embu ELC Court to Meru ELC Court in October, 2020.

3. After the file came to Isiolo, Notices were on 12/10/2021 properly issued for the parties to come to court for directions on

27/10/2021.

4. The parties did not come to court. Fresh Notices were issued vide this court's order dated 27/10/2021. They were directed to come to court on 14/2/2022.

5. Although there is on record a Notice of Motion dated 5th of October, 2020, the parties have not fully canvassed it. However, failure to fully canvass an application cannot be made an excuse to inordinately delay the hearing and determination of a suit. The parties cannot also rely on their non-compliance with Order 11 of the Civil Procedure Rules to delay the hearing and determination of a suit.

6. To redress the shenanigans employed by the parties to delay the hearing and determination of this suit, I issued the following orders:

a) Notices to be issued upon the parties concerning the orders issued by the court today.

b) Parties are to concurrently comply with Order 11, CPR within 30 days of today.

c) This suit will be heard on 21/3/2022.

WRITTEN AND DELIVERED IN OPEN COURT THIS 14TH DAY OF FEBRUARY, 2022 IN THE PRESENCE OF:

Court Assistant: Balozi

HON. JUSTICE P. M. NJOROGI

JUDGE

2. This court gave the 21st of March, 2022 as the hearing date. The parties were properly served but did not come to court for the scheduled hearing.

3. The names of the parties were called on for hearing outside court but were nowhere to be seen.

4. In the circumstances and in accordance with Order 12 Rule 1 of the Civil Procedure Rules, this suit merits dismissal.

5. The following orders are hereby issued;

a) This suit is dismissed

b) No costs are awarded.

WRITTEN AND DELIVERED IN OPEN COURT THIS 21ST DAY OF MARCH, 2022 IN THE PRESENCE OF:

Court Assistant: Balozi

HON. JUSTICE P. M. NJOROGI

JUDGE