



**Miheso v Kathuri & another (Environment and Land Appeal
E007 of 2022) [2022] KEELC 14949 (KLR) (21 November 2022) (Ruling)**

Neutral citation: [2022] KEELC 14949 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT ISIOLO
ENVIRONMENT AND LAND APPEAL E007 OF 2022
PM NJOROGE, J
NOVEMBER 21, 2022**

BETWEEN

ALFRED MIHESO APPELLANT

AND

LYDIAH KATHURI 1ST RESPONDENT

DANIEL THURANIRA 2ND RESPONDENT

RULING

1. The parties in this case were supposed to come to court for directions on November 21, 2022. They did not come to court. From a perusal of the court records, there is no evidence that the appellant has served the suit upon the respondents.
I do note that an application for stay of execution of the apposite Judgement was dismissed on 24th October, 2022.
2. There is an apparent lack of prosecution of the case by the appellant. This conduct cannot be countenanced by the court.
3. In terms of the provision of Order 42 Rule 13 of the *Civil Procedure Rules*, the Deputy Registrar of this court is directed to inform the appellant that this appeal will be listed for giving directions by the Judge in chambers on 16th January, 2023.
4. For efficiency purposes, I order that Notice do issue to the appellant to come to court for directions on 16th January, 2023.

DELIVERED IN OPEN COURT AT ISIOLO THIS 21ST DAY OF NOVEMBER, 2022 IN THE PRESENCE OF;

Court assistant: Balози



Appellant and Respondents not in court.

HON. JUSTICE P.M NJOROGE

JUDGE

