



Duba v Catholic Diocese of Marsabit (Environment & Land Case E001 of 2022) [2022] KEELC 14754 (KLR) (14 November 2022) (Ruling)

Neutral citation: [2022] KEELC 14754 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT ISIOLO
ENVIRONMENT & LAND CASE E001 OF 2022
PM NJOROGE, J
NOVEMBER 14, 2022**

BETWEEN

HASSAN DABASO DUBA PLAINTIFF

AND

CATHOLIC DIOCESE OF MARSABIT DEFENDANT

RULING

1. On 16/5/2022 Advocate Miss Nyasani who was holding brief for M. Korogo for the appellant told the court that the appellant had not filed a record of appeal because he could not access the court file concerning the proceedings in the lower court due to insecurity at Marsabit.
The explanation was plainly untrue as the court was aware that litigants were able to access Marsabit Law Courts.
2. The court issued the following orders;
 - a. The appellant to file and serve a record of Appeal within 30 days of today.
 - b. Directions on 18/7/2022.
3. On 18/7/2022, the parties were not in court. The court issued the following order;
 - a. Notice to issue for parties to come to court for directions on October 24, 2022.
4. On October 24, 2022, the parties were not in court. The court issued the following order;
 - a. Notice to be issued, to give the parties a final chance, for them to come to court for directions in November 14, 2022.



5. On November 14, 2022 the parties were not in court despite several court orders having been issued. Court orders ought not to be issued in vain. There should be consequences for disobedience of court orders.
6. In the circumstances, the following orders are issued;
 - a. This appeal is dismissed.
 - b. No costs are awarded.

DELIVERED IN OPEN COURT AT ISIOLO THIS 14TH DAY OF NOVEMBER, 2022 IN THE PRESENCE OF;

Court assistant: Balozi

Parties not in court

HON. JUSTICE P.M NJOROGE
JUDGE

