

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA ELC CIVIL APPEAL CASE NO. 124 OF 2017

FORMERLY MERU ELC CIVIL APPEAL NO. 102 OF 2013

JOSEPH M'GACECE MBATARU.....APPELLANT

VERSUS

JOHN MWINDU KARANGU.....RESPONDENT

RULING

1. When the parties were to come to court on **3.5.2018** to show cause why this suit should not be dismissed for want of prosecution in terms of order **42 rule 35(2)** of the Civil Procedure Rules, they did not turn up. The matter had been listed for dismissal before me.
2. I am satisfied that the apposite notice was properly issued.
3. I find that the parties have failed to show cause why this suit should not be dismissed for want of prosecution in terms of **order 42 rule 35(2)** of the Civil Procedure Rules. The suit, therefore, merits dismissal.
4. The suit is dismissed.
5. It is so ordered.

Delivered in open Court at Chuka this **3rd day of May, 2018** in the presence of:

CA: Ndegwa

Parties not in court

P.M. NJOROGE

JUDGE