

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA ELC CASE NO. 265 OF 2017

FORMERLY EMBU ELC. 79 OF 2014

NJAGI KANAMPIUPLAINTIFF

VERSUS

KELLEN NCHUNGUNI RIUNGU & 3 OTHERS.....DEFENDANTS

RULING

1. This suit was first filed as HCCC No. 58 of 2011 at Embu. It was transferred to Chuka on 26th June, 2017 where it became ELC Case No. 265 of 2017
2. On 31.7.2018, the plaintiff gave evidence and further hearing was fixed to take place on 1.10.2018.
3. On 1.10.2018 at 9.00am, advocate P. E. M. Majau told the court that he was ready to cross-examine the plaintiff. Hearing was fixed to commence at 9.30am.
4. At 9.30am neither the parties nor their advocates were in court. The suit was called on for hearing outside court. It was confirmed that the parties were not in attendance. This court adjourned for 30 minutes to give the parties and their advocates an opportunity to attend the proposed hearing.
5. At 10.05 am, the suit was once again called on for hearing outside court. Once again, it was confirmed that they were not in attendance. Their advocates, also, were nowhere to be seen.
6. This court takes judicial notice of the fact that it is a policy of the judiciary that all suits which have remained unheard and undetermined ought to be disposed of by end of December, 2018. This suit has remained unheard and undetermined for over 7 years.
7. I am satisfied that the parties in this suit and their advocates were aware of today's hearing date. I, therefore, find that this suit merits dismissal.
8. In terms of the provision of Order 12 rule 1 of the Civil Procedure Rules, this suit is hereby dismissed.
9. I issue no order as to costs.
10. It is so ordered.

Delivered in open court at Chuka this 1st day of October, 2018 in the presence of:

CA: Ndegwa

Parties absent

P.M. NJOROGE

JUDGE