

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT MERU

ELC CASE NO 5 OF 1990

MARIA KONARIO M'ITWAMWARI.....PLAINTIFF

VERSUS

IGOKI MUTETHIA FARMERS COO-P SOCIETY.....1ST DEFENDANT

JAPHET KARUMA.....2ND DEFENDANT

ZIPPORAH MUCHIOKI.....3RD DEFENDANT

RULING

1. This court has been urged to dismiss this suit by defendants on account of non - compliance by the plaintiff. I note that the matter is very old, (filed in 1990). The matter was even listed for notice to show cause but in a ruling delivered by Judge Njoroge on 30.10.2014, the court ordered the parties to fully comply with order II within 90 days and to set the suit down for hearing within 45 days (after achievement of compliance).

2. I have seen plaintiff's list of documents filed on 26.3.2015 along with statement of one witness. Whether defence side was served with these documents is another issue all together.

3. I have not seen any compliance on part of defendants in case No. 5 of 1990. I note that 2nd defendant apparently died and this may have caused the matter to stall.

4. Also the consolidation of the lower court matters (CMCC No. 603/10 and 103/09) appear to have derailed the matter further.

5. Considering the complexity of the matter occasioned by claims and counter claims as well as the death of the primary parties, I am reluctant to dismiss the suit. I however direct that the matter be heard on priority basis. The court will give parties one more chance to comply before setting a date for hearing.

DATED, SIGNED AND DELIVERED IN OPEN COURT AT MERU THIS DAY OF 9th MAY, 2018 IN THE PRESENCE OF:-

Court Assistant: Janet/Galgalo

Ogeno for defendant

E.G Mwangi for defendant absent

All other parties absent

HON. LUCY. N. MBUGUA

ELC JUDGE