



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT CHUKA**  
**CHUKA ELC CASE NO 84 OF 2017**  
**FORMERLY MERU PETITON CASE NO.20 OF 2013**

**VICTOR MBAE MUGAMBI.....PETITIONER**

**VERSUS**

**THE DISTRICT LAND ADJUDICATION & SETTLEMENT OFFICER MARIANI**

**ADJUDICATION SECTION.....1<sup>ST</sup> RESPONDENT**

**ATTORNEY GENERAL.....2<sup>ND</sup> RESPONDENT**

**AND**

**M'NTHAKA MUGWIKA.....INTERESTED PARTY**

**RULING**

1. Parties were to come to court on 22.2.2017 to show cause why this suit should not be dismissed for want of prosecution in terms of order 17 rule 2 (1) of the Civil Procedure Rules.
2. Advocate Kijaru, holding brief for M. Kariuki for the petitioner, told the court that the delay in prosecuting this case had been occasioned by the failure of the respondent to file submissions in respect of their PO dated 28.10.2014. He told the court that the Petitioner had complied with orders of the court by filing submissions way back on 7.10.2015.
3. Mr. Kijaru told the court that the respondents had failed to file their submissions even after being granted several chances by the court.
4. I note that the Respondents and the Interested Party were granted a final chance to file their submissions on 7.10.2015. The PO dated 28.10.2014, therefore, merits dismissal.
5. I find that the Petitioner has shown to the satisfaction of the court why this suit should **NOT** be dismissed.
6. The respondents' PO dated 28.10.2014 is dismissed.
7. The Petitioner to file and exchange submissions with regard to the Petition within 14 days of today and the other parties to file and exchange their submissions within 14 days after receiving the Petitioner's submissions.

8. The petitioner to serve this ruling upon the other parties within 10 days of today.

9. Directions on 22.3.2017.

10. It is so ordered.

Delivered in open court at Chuka this 22<sup>nd</sup> day of February, 2017 in the presence of:

CA: Ndegwa

Kijaru h/b M. Kariuki for Petitioner

Other parties absent

**P.M. NJOROGE**

**JUDGE**