



**REPUBLIC OF KENYA**  
**IN THE ENVIRONMENT AND LAND COURT AT CHUKA**

**CHUKA ELC CASE NO 12 OF 2017**

**FORMERLY MERU ELC CASE NO. 05 OF 2016**

**AMOS MUNYI NJUE.....PLAINTIFF**

**VERSUS**

**DENIS MURITHI MUTEGI.....1<sup>ST</sup> DEFENDANT**

**LINUS MUGENDI MUTEGI.....2<sup>ND</sup> DEFENDANT**

**JUDGMENT**

1. The plaintiff in his plaint dated 30<sup>th</sup> July, 2013 prays for judgment jointly and severally for:

a) Cancellation of the defendant's title deed and registration of LR NO. Magumoni/Itugururu/1255 in the plaintiff's name or alternatively the refund of the purchase price and payment of damages for the loss of use, profit and all the development in LR NO. Magumoni/Itugururu/1255.

b) Cost of this suit and interest thereon at court rate.

c) Any further / other relief deemed just and fit to grant.

2. When the matter came up for hearing of the case on 8.3.2017, the plaintiff and his advocate were in court. The defendant was not in court. His advocate was also not in court.

3. The defendant's advocate Njeru Ithiga asked the court to dismiss the suit since the plaintiff had failed to come to court to participate in the proceedings. He told the court that the plaintiff did not admit any part of the claim and had no counterclaim.

4. Order 12, Rule 3(1) provides that if on the day fixed for hearing after the suit has been called on for hearing outside the court only the defendant attends and he admits no part of the claim, the suit shall be dismissed except for good cause to be recorded by the court.

5. I see no good cause to record regarding why this suit should not be dismissed.

6. This suit is dismissed.

7. Costs are awarded to the defendant.

8. It is so ordered.

Delivered in open court at Chuka this 8<sup>th</sup> day of March, 2017 in the presence of:

CA: Ndegwa

Njeru Ithiga for the defendant

Plaintiff or advocate absent

**P. M. NJOROGI**

**JUDGE**