



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT MERU**

**ENVIRONMENT AND LAND CASE NO 191 OF 2013**

**SAMSON NKONYE MWINJA .....1ST PLAINTIFF**

**JOVANA NCHUGUNI NKONYE.....2ND PLAINTIFF**

**VERSUS**

**JOSEPH IGUNA KAMWARA.....1ST DEFENDANT**

**JAPHET MUBIRO.....2ND DEFENDANT**

**RWANDA MARIGU.....3RD DEFENDANT**

**RULING**

Parties were supposed to show cause why this suit should not be dismissed for want of prosecution pursuant to a notice issued to them by the Deputy Registrar.

On 25/04/2016, when the cause was to be shown, only the Plaintiffs appeared.

Mr. Carlpeters Mbaabu, representing the Plaintiff, explained that the Plaintiffs were ailing elderly people. He told the Court that they come from a very remote part of Tharaka Nithi where the nature of the terrain made it difficult for him to contact them. He said that for him to contact them for today's proceedings, the Process Server had to go through the Chief of the Plaintiff's area.

Mr. Mbaabu asked the Court to allow the Plaintiffs to be heard. He undertook to file and exchange compliance documents within 30 days of the delivery of the ruling in this matter.

I find that the Plaintiffs have shown to the satisfaction of the Court that this suit should not be dismissed . I order the Plaintiffs to comply with Order 11 CPR within 30 days of today and to serve apposite documents upon the defendants .

It is so ordered.

**DELIVERED IN OPEN COURT AT MERU THIS 12<sup>TH</sup> DAY OF MAY, 2016 IN THE PRESENCE OF:-**

Muthamia h/b Ndubi for Defendants

Muthamia h/b Carlpeters Mbaabu for Plaintiffs

**P.M. NJOROGE**

**JUDGE**