



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT NAIROBI

ELC SUIT NO. 998 OF 2014

MBUGUA KARIUKI.....PLAINTIFF

VERSUS

- 1. AGNES WAKARITI MAGONDU**
- 2. COMMISSIONER OF LANDS**
- 3. CHIEF LAND REGISTRAR**
- 4. KAMITI FARMERS COMPANY LIMITED**
- 5. SIMON NJUGUNA NJORGE**
- 6. MARGARET NJOKI NJUGUNA**
- 7. IBRAHIM KAMAU NJENGA**
- 8. PATRICIA WANJIKU KIHURA**
- 9. WANJIKU KIARIE**
- 10. PETER MUNENE NDEGWA.....DEFENDANTS**

RULING

Through the application dated 24/9/2019, the 1st Defendant sought to have the suit dismissed for want of prosecution and to have the orders issued by the court on 31/7/2018 vacated. The application was made on the ground that the Plaintiff had failed to set down the suit for hearing for over 46 months and that the matter was last in court on 31/7/2015. The application was supported by the by the 1st Defendant's affidavit in which she claimed that she was the owner of the Suit Property. She averred that the Plaintiff had neglected the suit and that there had been inordinate delay in having the dispute over the Suit Property resolved.

The court notes from the documents in the court file that the Plaintiff has not take any action in the matter from 31/7/2015 when he was granted an order of injunction by the court restraining the Defendants from dealing with the Suit Property. Only notices of appointment of advocates were filed in the suit thereafter.

The court agrees with the 1st Defendant that the Plaintiff has lost interest in the suit and dismisses the suit for want of prosecution. The 1st Defendant is awarded the costs of the suit and of the application.

Dated and delivered virtually at Nairobi this 22nd day of July 2020

K.BOR

JUDGE

In the presence of:-

Mr. V. Owuor- Court Assistant

No appearance for the Plaintiff and the Defendants