



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT AT CHUKA**

**CHUKA ELC APPEAL NO. 4 OF 2020**

**ROBERT NJERU NDATHO.....APPELLANT**

**VERSUS**

**JOSEPH MUTIIRIA NDATHO.....RESPONDENT**

**RULING**

1. This intended appeal was registered on 22<sup>nd</sup> May, 2020.
2. On 12<sup>th</sup> June, 2020 this court ordered that the suit documents be served upon the respondent by the appellant. The court also ordered that directions be taken on 19/10/2020.
3. On 19/10/2020, the intended appellant did not come to court. It could not be established if or if not he had served the intended respondent. Parties were directed to come for directions on 24/11/2020.
4. On 24/11/2020, the intended appellant did not come to court. It could not be established if or if not he had served the intended respondent.
5. Section 79B of the Civil Procedure Act requires that before an appeal from a subordinate court is heard, a judge shall peruse it, and if he considers that there is no sufficient ground for interfering with the decree, part of a decree or order appealed against, he may reject the appeal summarily.
6. Upon perusal of the intended appeal, I am satisfied that there is no sufficient ground for interfering with the decision of the subordinate court.
7. Consequently, this intended appeal is hereby rejected summarily.
8. I issue no order as to costs.

**Delivered in open Court at Chuka this 25<sup>th</sup> day of November, 2020** in the presence of;

CA: Ndegwa

Parties not in court.

**P. M. NJOROGE**

**JUDGE**