



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT**

**AT CHUKA**

**CHUKA ELC APPEAL CASE NO. E001 OF 2020**

**MARIMANTI PM'S ELC.26 OF 2017**

**PHARES MUNYAMBU RIMBERIA.....1<sup>ST</sup> APPELLANT/APPLICANT**

**CHARLES KITHINE RIMBERIA.....2<sup>ND</sup> APPELLANT/APPLICANT**

**VERSUS**

**SEVENTH DAY ADVENTIST CHURCH.....RESPONDENT**

**RULING**

1. In this matter, the intended appellants were on 14<sup>th</sup> October, 2020 directed to respond to the respondent's replying affidavit within 7 days of that date and to also file and exchange their written submissions concerning the application dated 15/9/2020 within the same time. The intended appellants did not do as directed by the court.
2. On 11<sup>th</sup> November, 2020, Mary Muthoni the wife of the 2<sup>nd</sup> intended Appellant told the court that he was indisposed. She told the court that her husband supported the respondent and was not consulted when the suit was filed.
3. The intended Appellants were on 11/11/2020 directed to file and exchange a record of appeal within 7 days.
4. On 23/11/2020, Advocate Nyenyire, representing the respondent told the court that contrary to court orders, the intended Appellant had not filed a record of Appeal. He urged the court to dismiss the intended Appeal on account of disobedience of court orders.
5. Once again, Mary Muthoni told the court that her husband was sick. She reiterated that he did not support the intended appeal.
6. I opine that the disobedience of court orders would be a sufficient reason for dismissal of this appeal. However, I will dispose of it for another reason.
7. In terms of the provision of Section 79B of the Civil Procedure Act, I have perused the intended Appeal and I consider that there is no sufficient ground for interfering with the decree or part of a decree or any order appealed against and, I therefore, summarily reject this appeal.
8. For avoidance of doubt, this Intended Appeal is summarily rejected.

Delivered in open Court at Chuka this **23<sup>rd</sup> day of November, 2020** in the presence of:

CA: Ndegwa

Miss Kijaru h/b for the Respondent.

Mary Muthoni w/o Charles Kithinji, 2<sup>nd</sup> Intended Appellant.

**P. M. NJOROGE**

**JUDGE**