



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA ELC CASE NO. 18 OF 2017

FORMERLY MERU ELC 66 OF 2016

CECILIO MURANGO MWENDA1ST PLAINTIFF

STEPHEN MUGAO MATHENGE.....2ND PLAINTIFF

BERNARD NJERU.....3RD PLAINTIFF

AGNES MUKOITI MUTHAMBI.....4TH PLAINTIFF

DAVID MWANGANGI GAICHU.....5TH PLAINTIFF

JOSHUA MWIRANGA NJAGI.....6TH PLAINTIFF

NJERU PATRICK NYAGA.....7TH PLAINTIFF

VERSUS

ISAAC KIMATHI IKUNGA.....DEFENDANT

RULING

1. This matter came up on **25th March, 2019** for mention to confirm filing of opposite submissions and to fix a date for judgment.
2. The parties confirmed filing of submissions.
3. Advocate Cecilio Murango Mwenda, who was the 1st plaintiff, moved the court to order that his name be expunged from the suit. He asked the court to issue the order in the form of a clear ruling so that he is never mentioned as a party to the suit. He told the court that he shudders when this is done. He said that he had earlier on moved the court to be allowed to withdraw from the suit as according to Tharaka customs members of his clan and members of the defendant's clan do not engage in suits where they are in opposite sides. He was categorical that curses would befall those persons who went against this custom.
4. I find that vide a **ruling delivered** by this court on **28th May, 2018**, Mr. Mwenda's name was withdrawn from the suit. In the circumstances, I order that the name of Mr. Cecilio Murango Mwenda should not be indicated as being party to this suit from now onwards.
5. It is so ordered.

Delivered in open Court at Chuka this **26th day of March, 2019** in the presence of:

CA: Ndegwa

Cecilio Murango Mwenda – original 1st Plaintiff

Miss Njenga h/b Kiogora Arithi for 2nd, 4th and 5th plaintiffs

Miss Nyaga for the defendant

P. M. NJORGE

JUDGE.