



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA ELC CASE NO. 161 OF 2017

FORMERLY MERU ELC. 111 OF 2012

мбака Катуни.....PLAINTIFF

VERSUS

Басилио Мвиати Муго.....1ST DEFENDANT

Оресте Нжоба Джулиус.....2ND DEFENDANT

RULING

1. This application is dated **23rd April, 2018** and seeks the following orders:

1. That Charles Kariuki & Kiome Associates, Advocates be allowed to cease acting for the applicant herein.
2. That cost be in the cause.

2. The application has the following grounds:

- a) The applicant/plaintiff has failed to visit the office to give instructions to proceed with the matter.
- b) The said applicant has disappeared without trace, communication between advocate and client has broken down.

3. The application is supported by the affidavit of **LINDAH G. KIOME**, the plaintiff's advocate sworn on **23rd April, 2018**. It states as follows:

I, LINDAH G. KIOME Advocate of **P. O. BOX 2387-60200, MERU** do hereby make oath and state as follows:-

1. That I am the applicant herein well versed with the matter.
2. That the firm of Charles Kariuki & Co. was instructed to appear for the plaintiff herein and I have since been in conduct of the matter.
3. That the plaintiff has failed to come to our office to give instructions and we have no contact with him.
4. That instead the plaintiff has disappeared without trace and has since not given us any instructions to proceed.
5. That we are therefore constrained to seek to cease acting for him.
6. That what is deponed to hereinabove is true to the best of my knowledge, information and belief.

4. During the hearing of the application, the plaintiff told Miss Kiome that he was contrite and that if she agreed to continue representing him in this suit, he would accord her maximum co-operation. M/S Kiome reconsidered her position and agreed to continue representing the plaintiff subject to his full cooperation, in future, in the prosecution of this suit.

5. Plaintiff is granted **21 days** to fully comply with **order 11, CPR**.

6. Plaintiff to serve the next mention date upon Mr. Kijaru the defendants' advocate within 10 days of today.

7. It is so ordered.

8. In the circumstances, this application is marked as settled.

Delivered in open court at Chuka this 30th day of April, 2018 in the presence of:

CA: Ndegwa

M/s Lindah Kiome – the applicant

Mbaka Kathuni – the plaintiff

P.M. NJORGE

JUDGE