

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT OF KENYA

AT ELDORET

ELC NO. 773 OF 2012

MARY CHEPCHUMBA ROTICH.....PLAINTIFF

VERSUS

ESTHER CHEBET MALEL.....DEFENDANT

RULING

This ruling is in respect of an application dated 27th October 2011 by the plaintiff/applicant and another dated 6th April 2018 seeking for the dismissal of the plaintiff's suit for want of prosecution. Counsel agreed to canvass the applications by way of written submission but only the defendant complied. The plaintiff failed to file the submissions in respect of their application and response to the application for dismissal of the suit.

Analysis and Determination

This is an old matter with an application dated 27th October 2011 which has been overtaken by events. Why has the plaintiff not pursued the application together with the suit since 2011? It seems the plaintiff has lost interest in the case.

The defendant made an application for dismissal for the application and the suit for want of prosecution whereby they filed submissions to canvass the same but the plaintiff did not respond. This leaves the application unopposed.

I find that the plaintiff has lost interest in this case and therefore dismiss the application dated 27th October 2011 together with the plaint for want of prosecution with costs to the defendant.

Dated and delivered at Eldoret this 14 day of May, 2019

M.A ODENY

JUDGE

RULING read in open court in the presence of Miss.Kibichy holding brief for Mr.Chepkonga for Plaintiff and in the absence of Mr.Aseso for the Defendant.

Mr.Mwelem – Court Assistant