



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT CHUKA

CHUKA ELC MISC. APPLICATION CASE NO. 02 OF 2019

GILBERT JOSEPH KIBUNJA ALIAS GILBERT JOSEPH

KIBUNJA ALIAS GILBERT JOSEPH KABUNJA

VERSUS

THE COUNTY GOVERNMENT OF THARAKA NITHI.....1ST RESPONDENT

LAND ADJUDICATION AND SETTLEMENT

OFFICE MERU SOUTH SUB COUNTY.....2ND RESPONDENT

RULING

1. This ruling concerns a notice of withdrawal of Chuka ELC Misc. Application No. 02 of 2019. The said notice reads as follows:

NOTICE OF WITHDRAWAL OF NOTICE OF MOTION DATED 20.05.2019

(UNDER ORDER 25 RULE 1 OF THE CIVIL PROCEDURE RULES)

TAKE NOTICE that the applicant herein Gilbert Joseph Kabunjia hereby withdraws the notice of motion dated 20th May, 2019 herein wholly with no orders as to costs from the date of this notice.

Dated at Thika this 8th day of July, 2019

2. The applicant's advocate, Mr. Mungai Wainaina, asked the court to withdraw this suit and told the court that he had served the withdrawal notice upon the other parties.

3. Mr. Muthomi Gitari, holding brief for Mr. Murango Mwenda for the 1st respondent, told the court that Mr. Murango Mwenda was not opposed to the withdrawal of the suit. He, however, sought costs.

4. In his response, Mr. Mungai told the court that the withdrawal notice was filed in good faith and was intended to save precious judicial time. He told the court that when the application was filed, the applicant was not aware that the appeal at the ministerial level had been concluded. After

being made aware of this circumstance, he advised his client, the applicant, accordingly. He also told the court that the applicant was a pauper who was trying to get justice against an institution which had vast resources.

5. Upon consideration of all facts and circumstances apposite to this matter, it is ordered as follows:

- a) This suit is marked as withdrawn and should be removed from the register of pending ELC Cases at Chuka.
- b) Parties shall bear their own costs.

Delivered in open Court at Chuka this **31st day of July, 2019** in the presence of:

CA: Ndegwa

Mungai present for the Applicant

Mwiti h/b Murango Mwenda for the 1st Respondent

P.M. NJOROGE

JUDGE