



REPUBLIC OF KENYA

IN THE ENVIRONMENT & LAND COURT AT MURANG'A

ELC NO. 295 OF 2017

JASON NJURU MWANGI.....1ST PLAINTIFF

JANE WANJIKU NJUGUNA.....2ND PLAINTIFF

VERSUS

NYAMBURA MWANGI1ST DEFENDANT

KARIUKI MWANGI.....2ND DEFENDANT

RULING/DIRECTIONS

1. The Plaintiff filed this suit on the 12/5/15 and from the Court records it is clear that this matter has not been prosecuted save for an application that this Court rendered a ruling on the 2/7/18.
2. The matter stayed in limbo until the Court on 2/7/19 issued Notice to Show Cause under Order 17 Rule 2 of the Civil Procedure Rules.
3. The Plaintiffs through the Replying Affidavit sworn by the 1st Plaintiff on the 15/7/19 deponed that after the delivery of the ruling the file was not traceable in the registry and took time for it to be located. That apparently the file was in the typing pool for the typing of some proceedings. I have noted that there is no letter to the Registry seeking for the file and the averment remains an allegation.
4. That notwithstanding, this Court, in the interest of justice, directs the Plaintiffs to fix the matter for hearing in the next 30 days from the date hereof in default the suit shall stand dismissed.
5. **It is so ordered.**

DELIVERED, DATED AND SIGNED AT MURANG'A THIS 9TH DAY OF OCTOBER 2019

J.G. KEMEI

JUDGE

Delivered in open Court in the presence of:

Ndegwa for the 1st and 2nd Plaintiff

1st and 2nd Defendant – Absent

Irene and Njeri, Court Assistants

Delivered in open Court in the presence of:

Ndegwa for the 1st and 2nd Plaintiff

1st and 2nd Defendant – Absent

Irene and Njeri, Court Assistants