

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.....ПЛАЙНТИФ

VERSUS

БАСИЛИО МВИАТИ МУГО.....ДЕФЕНДАНТ

RULING

1. Parties were to come to court today to show cause why this suit should not be dismissed for want of prosecution in terms of Order 17 Rule 2(1) of the Civil Procedure Rules.

2. Miss Kiome, for the plaintiff, referred the court to a Replying Affidavit sworn by Mbaka Kathuni, the plaintiff, on 26th January, 2018. She told the court that the affidavit contained reasons why the suit should not be dismissed **BUT** instead be heard on its merits.

3. I am satisfied that the plaintiff has shown cause why the suit should not be dismissed.

4. In the circumstances, the suit is **NOT** dismissed. It is ordered as follows:

(a) This suit is not dismissed.

(b) The plaintiff is to fully comply with Order 11, CPR, within 14 days of today.

(c) The defendant to fully comply with order 11, CPR, within 30 days after receipt of the plaintiff's remaining compliance documents or all of them, as the case may be.

(d) The plaintiff to serve the orders issued by the court today upon the defendant's advocate, Mr. Kijaru, within 14 days.

(e) Suit to be heard on 30.4.2018

5. It is so ordered.

Delivered in open court at Chuka this **29th day of January, 2018** in the presence of:

CA: Ndegwa

Miss Kiome for the plaintiff

P.M. NJOROGE

JUDGE