

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA ELC CASE NO. 105 OF 2017

FORMERLY MERU ELC. 103 OF 2007

PETER MUTEGLI.....PLAINTIFF

VERSUS

BENJAMIN KIMENCHU & ANO.....DEFENDANTS

RULING

1. This suit was filed in **2007**. This court, on **29th June, 2017**, gave notice asking the parties to come to court on **26.7.2017**, to show cause why the suit should not be dismissed for want of prosecution in terms of **Order 17 Rule 2(1) of the Civil Procedure Rules**.
2. The plaintiff's advocate told the court that he had lost contact with his deceased client's family. He asked for time to substitute the plaintiff. He was granted 60 days but never effected the substitution.
3. On **11th December, 2017**, the plaintiff and his advocate were given 30 days to apply for an order to revive the suit as by law it was non-existent as it had abated. Parties were directed to come to court for directions on **29.1.2018**.
4. On **29.1.2018**, the parties did not come to court. The plaintiff's advocate had not filed an application to have the suit reinstated.
5. In the circumstances, I find that the parties have not shown cause why the suit should not be dismissed for want of prosecution. I also find that the suit, by operation of law, remains abated against the plaintiff.
6. This suit is dismissed and should be removed from the record of pending files in the Environment and Land Court.
7. No costs are awarded.
8. It is so ordered.

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

CA: Ndegwa

Parties absent

P.M. NJOROGE

JUDGE