

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT MERU

ELC NO. 286 OF 2016

NATHAN MPEKETHU LAICHENA.....PLAINTIFF

VERSUS

PETER KOBIA MBABU1ST DEFENDANT

MARK MAORE2ND DEFENDANT

**THE HON. ATTORNEY GENERAL (ON BEHALF OF THE DISTRICT
LAND ADJUDICATION & SETTLEMENT OFFICER,**

IGEMBE DISTRICT.....3RD DEFENDANT

RULING

1. Before me is an application filed by the Plaintiff/Applicant on 01:08:17. He is seeking orders of inhibition as well as temporary injunction in respect of Parcels No. 1599, 8641, 8642 in Akirangondu "A" Adjudication Section.
2. I find that a similar application was filed on 20:12:16 but was dismissed by the Court on 10:07:17.
3. The 1st Respondent contends that the other application was dismissed for want of prosecution while applicant avers that application was dismissed for none attendance and not for want of prosecution.
4. I have perused the record. I find that it is the Plaintiff who had taken the date at registry for the hearing of the earlier application of 20:12:16. He had been given the date of 10:07:17. It follows that the application was coming up for hearing on 10:07:17 and his none attendance occasioned the dismissal of the application.
5. It follows that the application was dismissed for want of prosecution and it is hence an abuse of the Court's process for the Applicant to bring forth a similar application.
6. I therefore proceed to dismiss the application of 01:08:17 with costs to 1st Respondent.

**DATED, SIGNED AND DELIVERED IN OPEN COURT AT MERU THIS DAY OF 26th
JANUARY, 2018 IN THE PRESENCE OF:-**

Court Assistant: Janet/Galgalo

1st Defendant Present

All other parties absent

HON. L. N. MBUGUA

ELC JUDGE