

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA ELC CASE NO. 113 OF 2017

FORMERLY MERU ELC. 128 OF 2009

ANDERSON GITARI MWANGI.....PLAINTIFF

VERSUS

ROLAND MBUBA MUKINGO & ANO.....DEFENDANTS

RULING

1. This matter came for directions on 26.2.2018. It is pellucid that as this matter (ELC 113/2017) is still in court, there is an appeal concerning the same subject matter subsisting in Meru HCCC 70 of 2009.

2. I issue the following orders:

a) With respect to ELC 113 of 2017 (formerly Meru HCCC 128 of 2009), NOTICE be issued for the parties to come to court on 11.4.2018 to show cause why the suit should not be dismissed for want of prosecution.

b) With respect to Meru HCCA No. 70 of 2009, the Deputy Registrar to give NOTICE to the parties in accordance with Order 42 Rule 35 subrule 2 that the appeal will be listed before the Judge for dismissal on 11.4.2018.

3. It is ordered that Meru HCCA 70 of 2009 be given a Chuka number.

4. It is so ordered.

5. Delivered in open Court at Chuka this **26th day of February, 2018** in the presence of:

CA: Ndegwa

Mrs Kariuki Owessi h/b E.G. Mwangi for the Applicant in Chuka ELC 113 of 2017

P.M. NJOROGE

JUDGE