

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA ELC CASE NO. 70 OF 2017

FORMERLY MERU ELC. 66 OF 2015

M'KEA MUGWIKA.....PLAINTIFF

VERSUS

MIRUNGU MARIGI (Sued as the legal representative of the estate of the late

M'Marigi Mungania alias Marigi Mungania).....DEFENDANT

RULING

1. This matter is part heard and the plaintiff Mugwika M'Kea Mugwita had his oral evidence heard on **7th November, 2017**. It was ordered that the plaintiff's further evidence be heard on **24th November, 2018**. Advocates representing both parties were in court.
2. On **24th January, 2018**, without any explanation, the parties failed to come to court. This practice cannot be condoned as failure to hear suits on appointed dates has led to inordinate delay in hearing and determination of suits. This has also led to the clogging up of the judicial process.
3. As neither party attended the hearing of this suit on the day fixed for hearing, and the suit was appropriately called on outside court, when it was confirmed that they had failed to attend its hearing, I invoke the provision laid down by order 12 rule 1 and resolve to dismiss this suit.
4. In the circumstances, this suit is dismissed.
5. No costs are awarded to any of the parties.
6. It is so ordered.

Delivered in open court at Chuka this 7th day of February, 2018 in the presence of:

CA: Ndegwa,

Kiogora Arithi present for the plaintiff

Mwanzia absent for the defendant

P.M. NJORGE

JUDGE