

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA ELC CIVIL APPEAL CASE NO. 02 OF 2018

FORMERLY MERU HIGH COURT CIVIL APPEAL NO. 70 OF 2009

ROLAND MBUBA MUKINGO.....APPELLANT

VERSUS

LUCY KARIMI MUCIOKA.....RESPONDENT

RULING

1. Notice was issued to the parties that this appeal was listed for dismissal before the Chuka ELC Judge on **11th April, 2018**.
2. The appellant did not come to court. M/S Kithaka urged the court to dismiss the suit.
3. I find that contrary to the requirement of **order 45 rule 35(2)** of the Civil Procedure Rules, the appellant did not set down the appeal for hearing within one year after service of the apposite memorandum. Indeed the appeal has remained unprosecuted for **close to 10 years**.
4. In the circumstances, this appeal is dismissed.
5. Costs are awarded to the respondent.
6. It is so ordered.

Delivered in open Court at Chuka this 11th day of April, 2018

in the presence of:

CA: Ndegwa

M/S Kithaka for the Respondent

P. M. NJOROGE

JUDGE