



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA ELC CASE NO. 18 OF 2017

FORMERLY MERU ELC 66 OF 2016

CECILIO MURANGO MWENDA & 2 OTHERS.....PLAINTIFFS

VERSUS

ISAAC KIMATHI IKUNGA.....DEFENDANT

RULING

1. On 28th May, 2018, Mr. Kiogora Arithi, advocate, informed the court that the 1st plaintiff, advocate Cecilio Murango Mwenda, wished to withdraw from the suit as culturally his clan and the defendants were required not to involve themselves in disputes. If they did so, Mr Kiogora said, this would portend calamities for both clans. For this reason, he orally asked the court to order that the 1st plaintiff's name be expunged from the suit.

2. Mr. Manasses Kariuki for the defendant told the court that he was not opposed to the removal of Mr. Cecilio Murango Mwenda, the 1st plaintiff, from the suit. He proffered a consent to that effect which reads:

CONSENT

“By consent of the parties and their respective advocates, the 1st Plaintiff **CECILIO MURANGO MWENDA** be and is hereby discontinued from this suit. No order as to costs.”

Signed 28.5.2018

Kiogora Arithi & Associates

Advocates for the plaintiff

Signed 28.5.2018

Mithega & Kariuki

Advocates for the defendant

3. This consent is adopted as an order of this court.
4. Consequently, the name of **CECILIO MURANGO MWENDA** is **removed** from the suit as the **1st plaintiff**.
5. No costs are awarded to any of the parties.
6. The plaintiffs should **amend** their plaint and file and exchange apposite documents within 14 days of today.
7. Hearing of the main suit will take place on **2nd July, 2018**.
8. It is so ordered.

Delivered in open Court at Chuka this **28th day of May, 2018** in the presence of:

CA: Ndegwa

Kiogora Arithi for the plaintiffs

Manasses Kariuki for the defendant

P.M. NJORGE

JUDGE