



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT AT CHUKA**

**CHUKA ELC CIVIL APPEAL CASE NO. 112 OF 2017**

**FORMERLY MERU CIVIL APPEAL NO. 36 of 2014**

**MARTIN KINOTI MBAE.....APPELLANT**

**VERSUS**

**IRERI M'RARIA & ANOTHER.....RESPONDENTS**

**RULING**

1. Notice was properly given to the parties that this appeal would be listed for dismissal before me on **24<sup>th</sup> May, 2018**.
2. The appellant, Martin Kinoti Mbae, told the court that he did not know why his advocate, Mr. Kioga, had not prosecuted the appeal. He also told the court that Mr. Kioga had been served with the apposite notice and he did not know why he was not in court.
3. I find that no satisfactory explanation has been proffered as to why this appeal should NOT be dismissed in terms of Order 42 Rule 35(2) of the Civil Procedure Rules.
4. Consequently, this appeal has been dismissed in my chambers and the ruling thereof has been delivered in open Court.
5. No costs are awarded to any of the parties.
6. It is so ordered.

**Delivered in open court at Chuka this 24<sup>th</sup> day of May, 2018**

in the presence of:

CA: Ndegwa

Martin Kinoti Mbae – Appellant

**P. M. NJOROGI,**

**JUDGE.**