



**REPUBLIC OF KENYA**

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

**CHUKA JUDICIAL REVIEW CASE NO. 01 OF 2017**

**FORMERLY MERU JUDICIAL REVIEW CASE NO. 27 OF 2010**

**COUNTY COUNCIL OF THARAKA.....EX-PARTE APPLICANT**

**COUNTY GOVERNMENT OF**

**THARAKA NITHI.....INTENDED EX-PARTE APPLICANT**

**VERSUS**

**THARAKA NORTH DISTRICT**

**LAND DISPUTES TRIBUNAL.....RESPONDENT**

**BERNARD K. NKANGA.....INTERESTED PARTY**

**AGNES MATIIRA**

**KAMWARA.....APPLICANT/INTENDED INTERESTED PARTY**

**RULING**

1. When the parties were to come to court on **17.5.2018** to show cause why this suit should not be dismissed for want of prosecution in terms of **order 17 rule 2(1)** of the **Civil Procedure Rules**, only the Respondent and the Interested Party turned up. The ex-parte applicant was not in court. His advocate was also not in court.

2. I am satisfied that the apposite notice was properly issued.

3. Mr. Kiongo and Mr. Mutegi for the Respondent and Interested Party, respectively, asked the court to dismiss the suit for want of prosecution with costs to their clients.

4. I find that the parties have failed to show cause why this suit should not be dismissed for want of prosecution in terms of **order 17 rule 2 (1) of the Civil Procedure Rules**.

5. The suit, therefore, merits dismissal.

6. The suit is dismissed.

7. Costs are awarded to the Respondent and the Interested Party.

8. It is so ordered.

**Delivered in open Court at Chuka this 17<sup>th</sup> day of May, 2018**

in the presence of:

CA: Ndegwa

Kiongo present for the Respondent

Mutegi present for the Interested Party

**P.M. NJORGE**

**JUDGE**