

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT CHUKA

CHUKA ELC CIVIL APPEAL CASE NO. 118 OF 2017

FORMERLY MERU ELC CIVIL APPEAL CASE NO. 12 OF 2012

EDWARD NDEKE NJAGI.....APPELLANT

VERSUS

LINET KANGAI MUKURU.....RESPONDENT

RULING

1. A Notice was properly issued informing the parties that this suit would be listed for dismissal before me on **17th May, 2018** in terms of the provision contained in Order **42 Rule 35(2)** of the Civil Procedure Rules.
2. The ex-parte applicant was not in court. Miss Njenga, for the respondent, urged the court to dismiss the appeal with costs to the Respondent. She pointed out that the suit has been pending prosecution since 2012 when it was filed.
3. I find that no satisfactory explanation has been given to the court as to why the suit should not be dismissed.
4. This suit is, therefore, dismissed.
5. Costs are awarded to the Respondent.
6. It is so ordered.

Delivered in open Court at Chuka this 17th day of May, 2018

in the presence of:

CA: Ndegwa

Miss Jackline Njenga for the Respondent

P.M. NJOROGE

JUDGE