



**REPUBLIC OF KENYA**

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

**CHUKA JUDICIAL REVIEW CASE NO. 17 OF 2017**

**SHADRACK KABII M'REWA, FRIDA KANANA STEPHEN, MBAE NGAINE,**

**DAVID KIRIMI AND TERRY WAWIRA.....APPLICANTS**

**VERSUS**

**DEPUTY COMMISSIONER MAARA SUB COUNTY.....RESPONDENT**

**RULING**

1. Notice was properly issued for the parties to come to court to show cause why the suit should not be dismissed for want of prosecution in terms of the provision of Order 17 Rule 2(1) of the Civil Procedure Rules.
2. The Ex-parte Applicant and the Interested Party were not in Court. Mr. Kiongo, for the Respondent told the court that their absence was a clear indication that they were no longer interested in the suit. He urged the court to dismiss it with costs to the Respondents.
3. I find that this suit merits dismissal.
4. In the circumstances, this suit is hereby dismissed.
5. Costs are awarded to the Respondent.
6. It is so ordered.

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

C.A: Ndegwa

Kiongo for the Respondent

**P.M. NJOROGE**

**JUDGE**