

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT MERU

ELC NO. 91 OF 2017

STEPHEN MURUNGI.....PLAINTIFF

VERSUS

MUGAMBI NKIRUTA.....1ST DEFENDANT

MERU COUNTY GOVERNMENT....2ND DEFENDANT

RULING

1. On 19/4/2018, Counsel for 1st defendant stated that there was no compliance on the part of the plaintiff in respect of the courts orders of 10/10/2017, that they have never been served with summons to enter appearance and that the Deputy Registrar could not dismiss the suit as this was a substantive order. 1st defendant was seeking for the dismissal of the suit.

2. I have perused the record and I find that the application of 3.5.2017 was withdrawn while the one of 13.3.2017 was dismissed. The court then directed plaintiff to serve all the suit documents within 21 days. However the court did not intimate that it will dismiss the suit if there was no compliance. As such plaintiff is given an opportunity to explain why he is unable to effect service upon 2nd defendant, and to prosecute the suit.

DATED, SIGNED AND DELIVERED IN OPEN COURT AT MERU THIS DAY OF 16th MAY, 2018 IN THE PRESENCE OF:-

Court Assistant: Janet/Galgalo

Kiogora for plaintiff present

Mwiti holding brief for Mwenda Mwarania for 1st defendant present

2nd defendant in person absent

HON. LUCY. N. MBUGUA

ELC JUDGE