



**REPUBLIC OF KENYA**

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

**CHUKA ELC CASE NO. 204 OF 2017**

**FORMERLY MERU ELC. 257 OF 2013**

**PATRICK ZAVERIO MARANGU.....PLAINTIFF**

**VERSUS**

**PETER MUGAMBI MUCHEKE.....DEFENDANT**

**RULING**

1. This application is dated **7<sup>th</sup> March, 2018**. It seeks the following orders:

1. The Honorable court be pleased to reinstate the suit hearing for hearing on merit.
2. Costs be provided for.

2. The application has the following grounds:

- A. The notice to show cause had not been served upon us.
- B. The suit was not live for N.T.S.C. as it was active and the 3 years in the rules had not expired.

3. The application came up for hearing on **14<sup>th</sup> May, 2018**.

4. On **13.3.2018** when the applicant obtained a hearing date, he was directed to serve the application upon the defendant. There is no evidence that the application and the hearing date was served upon the defendant.

5. To exacerbate the already bad situation, neither the applicant nor his advocate were in court.

6. The assertion in paragraph B of the grounds upon which the application is buttressed that 3 years are required for Notice to Show Cause to be issued is veritably spurious. Order 17 Rule 2 (1) of the Civil Procedure Rules stipulates a period of 1 year.

7. In the circumstances, this application is dismissed.

8. I issue no order regarding costs.

9. It is so ordered.

**Delivered in open court at Chuka this 14<sup>th</sup> day of May, 2018 in the presence of:**

CA: Ndegwa

Parties not in court

**P.M. NJORGE**

**JUDGE**