



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT CHUKA

CHUKA ELC CIVIL APPEAL CASE NO. 121 OF 2017

FORMERLY MERU ELC CIVIL APPEAL NO. 94 OF 2011

ONESMUS MBINDU.....APPELLANT

VERSUS

MUGO ZAKAYO NGARI.....RESPONDENT

RULING

1. Notice was properly issued to the parties, in accordance with **Order 42 Rule 35 (2) of the Civil Procedure Rules** that this appeal would be listed for dismissal before me on **9th May, 2018**.
2. On **9th May, 2018** only relatives of the Respondent turned up.
3. I am satisfied that the apposite notice was properly issued.
4. No cause was shown that this appeal, having been listed for dismissal, should not be dismissed.
5. This appeal is, therefore, dismissed.
6. In the circumstances, this Court declares that the decision of the Eastern Province Land Disputes Tribunal at Embu made on **18th July, 2001** still stands and should be implemented by the Chief Magistrate's Court at Chuka.
7. This appeal should forthwith be removed from the register of pending ELC appeals.
8. I issue no order as to costs.
9. It is so ordered.

Delivered in open Court at Chuka this 9th day of May, 2018

in the presence of:

CA: Ndegwa

Miss Muthoni h/b Ithiga for the Appellant

P.M. NJOROGE

JUDGE