

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT CHUKA

CHUKA ELC CIVIL APPEAL CASE NO. 123 OF 2017

FORMERLY MERU ELC CIVIL APPEAL NO. 86 OF 2013

ESTHER MBOTHI.....APPELLANT

VERSUS

JACINTA MUTANI KIRIGU.....RESPONDENT

RULING

1. When the parties were to come to court on **3.5.2018** to show cause why this suit should not be dismissed for want of prosecution in terms of order **42 rule 35(2)** of the Civil Procedure Rules, they did not turn up. The matter had been listed for dismissal before me.
2. I am satisfied that the apposite notice was properly issued.
3. I find that the parties have failed to show cause why this suit should not be dismissed for want of prosecution in terms of **order 42 rule 35(2)** of the Civil Procedure Rules. The suit, therefore, merits dismissal.
4. The suit is dismissed.
5. It is so ordered.

Delivered in open Court at Chuka this **3rd day of May, 2018** in the presence of:

CA: Ndegwa

Parties not in court

P.M. NJORGE

JUDGE