



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT CHUKA

CHUKA ELC CASE NO. 18 OF 2017

FORMERLY MERU ELC 66 OF 2016

CECILIO MURANGO MWENDA1ST PLAINTIFF

STEPHEN MUGAO MATHENGE.....2ND PLAINTIFF

BERNARD NJERU.....3RD PLAINTIFF

AGNES MUKOITI MUTHAMBI.....4TH PLAINTIFF

DAVID MWANGANGI GAICHU.....5TH PLAINTIFF

JOSHUA MWIRANGA NJAGI.....6TH PLAINTIFF

NJERU PATRICK NYAGA.....7TH PLAINTIFF

VERSUS

ISAAC KIMATHI IKUNGA.....DEFENDANT

RULING

1. This ruling concerns absence of the 6th plaintiff, Joshua Mwiranga Njagi and of the 7th plaintiff, Njeru Patrick Nyagah on **16th July, 2017** when this suit was slated for hearing. It also concerns the abatement of this suit as concerns Bernard Njeru, the 3rd plaintiff.

2. The names of the 6th and 7th plaintiffs were called on outside court but they were not in attendance. Their advocate, Miss Wanjohi, confirmed that they were aware of the hearing date. In terms of the provisions of Order 12 Rule 4 of the Civil Procedure Rules, I deemed it necessary for the suit to proceed with the participation of the 2nd, 4th and 5th plaintiffs.

3. Regarding the 3rd plaintiff, Miss Wanjohi, the plaintiffs' advocate and Mr. Manasses Kariuki, the defendant's advocate, were in agreement that the 3rd plaintiff's claim against the defendant had abated.

4. In the circumstances, it is ordered as follows:

a. The claims by Joshua Mwiranga Njagi, the 6th plaintiff, and by Njeru Patrick Nyaga, the 7th plaintiff, against the plaintiff are dismissed.

b. The claim by the 3rd plaintiff, Bernard Njeru, has abated by operation of the law and is, therefore, no longer extant.

5. Costs shall follow the event and are awarded to the defendant as against the 6th and the 7th plaintiffs.

6. No costs are awarded against the 3rd plaintiff.

7. It is so ordered.

Delivered in open court at Chuka this 16th day of July, 2018 in the presence of:

CA: Ndegwa

Miss Wanjohi for the Plaintiffs

Manasses Kariuki for the Defendants

P.M. NJORGE

JUDGE