



**REPUBLIC OF KENYA**

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

**CHUKA ELC CASE NO. 122 OF 2017**

**FORMERLY MERU ELC. 162 OF 2010**

**DIOCESE OF MERU REGISTERED TRUSTEES.....PLAINTIFF**

**VERSUS**

**THARAKA NITHI COUNTY GOVERNMENT.....DEFENDANT**

**RULING**

1. By a plaint dated 7<sup>th</sup> December, 2010, the plaintiff seeks judgment against the defendant in the following terms:
  - a) A declaration that L.R. No. South Tharaka/Tunyai 'A'/79 and South Tharaka/Tunyai 'A'/136 were set aside by the defendant and its predecessors for use and development by the plaintiffs.
  - b) An order that the said parcels of land be registered in the name of the plaintiffs.
  - c) A permanent injunction restraining the defendant by itself and/or its agents from interfering, re-planning, surveying, allocating, selling or in any other manner disposing land parcels No. South Tharaka/Tunyai 'A'/79 and South Tharaka/Tunyai 'A'/136.
  - d) Costs and interest.
  - e) Any further or better relief this honourable court may deem fit to grant.
2. On 14<sup>th</sup> November, 2018, Mr. J. Mutuma, holding brief for Mr. Rimita, the plaintiff's advocate, told the court that the parties had agreed to have the matter settled out of court. Mr. Murango Mwenda, the defendant's advocate, confirmed this position. They both asked the court to mark the suit as withdrawn with no order as to costs.
3. In the circumstances, this suit is marked as withdrawn and should be removed from the register of pending ELC Cases at Chuka.
4. Parties are ordered to bear their own costs.
5. Orders accordingly.

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

CA: Ndegwa

J. Mutuma h/b Rimita for the plaintiff

Murango Mwenda for the defendant

**P.M. NJOROGE**

**JUDGE**