

REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA ELC CASE NO 90 OF 2017

FORMERLY MERU CIVIL CASE NO. 144 OF 2003

ENID NJAGI MARETE.....PLAINTIFF

VERSUS

SISTER CIANTHUNI MUNENE....DEFENDANT

RULING

1. Parties were to show cause on 15.10.2015 why the suit should not be dismissed for want of prosecution. This was not done.
2. The matter was fixed for 26.11.2015 where the parties were to appear before the ELC, Judge at Meru to show cause why the suit should not be dismissed for want of prosecution. They did not appear before the Judge.
3. Notice was issued for the parties to come to court on 15.3.2017 to show cause why the suit should not be dismissed for want of prosecution in terms of order 17 rule 2(1) of the Civil Procedure Rules.
4. On 15.3.2017, Mr. Rurige, holding brief for Kiautha Arithi, told the court that the plaintiff had been sick but was now eager to prosecute her case.
5. I find that no cause has been shown to the satisfaction of the court that this suit should not be dismissed for want of prosecution. Even assuming that the statement that the plaintiff had been sick to be correct, this would not have prevented her advocate to take a step or steps as envisaged by order 17 Rule 2(1) of the Civil Procedure Rules which step or steps would have obviated the possible dismissal of the suit.
6. In the circumstances, this suit is dismissed.
7. It is so ordered.

Delivered in open court at Chuka this 15th day of March, 2017 in the presence of:

CA: Ndegwa

Rurige h/b Kiautha Arithi for the plaintiff

P.M. NJOROGE,

JUDGE