



**REPUBLIC OF KENYA**

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

**CHUKA ELC CASE NO 27 OF 2017**

**FORMERLY MERU ELC CASE NO.102 OF 2016**

**JOSEPH KILONZI KIVU.....PLAINTIFF**

**VERSUS**

**ALBERT MWAI CIUGA.....DEFENDANT**

**RULING**

1. In his plaint dated 8.7.2016, the plaintiff seeks judgment against the defendant in the following terms:

- a) That the caution placed over Land Parcel Number S. Tharaka/Tuyai/1756 be henceforth lifted.
- b) Costs of this suit and interest at prevailing commercial rates
- c) Any other better relief that this honourable court may deem fit & just to grant.

2. When the matter came up for directions on 15.3.2016, Mr Wamache for the plaintiff told the court that after filing this suit in July, 2016, he and his client discovered that the defendant had died way back on 2010.

3. He expressed to court the plaintiff's wish to withdraw this suit. He told the court that he was looking for a representative of the defendant to be sued in another suit.

4. This suit is marked as withdrawn and should be removed from the register of Civil Suits at Chuka.

5. It is so ordered.

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

CA: Ndegwa

Wamache for the plaintiff.

**P. M. NJOROGE,**

**JUDGE**