

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA ELC [CA] CASE NO 32 OF 2017

FORMERLY MERU ELC [CA] CASE NO.27 OF 2009

JOHNSON NKONGE O. M'RUCHA.....PLAINTIFF

VERSUS

JOHN PHARES NJERU M'ITHARA..... DEFENDANT

RULING

1. Parties were to come to court on 6.4.2017 to show cause why this suit should not be dismissed for want of prosecution in terms of Order 17 rule 2(1).
2. Only the respondent came to court. He asked the court to dismiss the suit.
3. I find that parties have not shown to the satisfaction of the court why this suit should not be dismissed. The suit merits dismissal for non-prosecution.
4. I note that the Memorandum of Appeal is dated 6th April, 2009 and was filed on the same date. I do also note that the appeal has never been admitted.
5. I have perused the documents apposite to the appeal and I find that there is no sufficient ground to interfere with the Lower Court's decree. I will summarily reject the appeal.
6. For avoidance of doubt this appeal is dismissed in terms of order 17 Rule 2(1) and the appeal is also summarily rejected in terms of Section 79 B of the Civil Procedure Act.
7. It is so ordered.

Delivered in open court at Chuka this 6th day of April, 2017 in the presence of:

CA: Ndegwa

John Phares Njeru M'Ithara – Respondent

P.M. NJOROGE

JUDGE