

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA ELC CASE NO 89 OF 2017

FORMERLY MERU ELC CASE NO.410 OF 1991

GILBERT KATHENYA MUKUNGI.....PLAINTIFF

VERSUS

MWIANDI KAIMBIRU.....DEFENDANT

EVANGELINE KANYUA MWIANDI.....INTERESTED PARTY

RULING

1. Parties were to come to court on 8th March, 2017 to show cause why this suit should not be dismissed for want of prosecution in terms of order 17 rule 2 (1) of the Civil Procedure Rules.
2. The plaintiff was represented by advocate Mbaikiata. She told the court that the plaintiff had filed the suit in 1992. She said that the plaintiff was acting in person at that time. She said that the plaintiff went to their office and they had advised her that the defendant ought to be substituted.
3. I do note that this suit was dismissed by the Hon. Justice Lenaola, J, as he then was, on 2.6.2006, 11 years ago.
4. The suit still stands dismissed and this court cannot dismiss it twice. It has no jurisdiction to do so.
5. Even assuming that the suit does not stand dismissed, it has pellucidly abated against the defendant in terms of the provisions of order 24 of the Civil Procedure Rules.
6. It is restated that the suit stands dismissed.
7. It is so ordered.

Delivered in open court at Chuka this 4th day of April, 2017 in the presence of:

CA: Ndegwa

Parties absent

P. M. NJOROGE,

JUDGE.