



**REPUBLIC OF KENYA**

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

**LAND CASE NO. 111 OF 2015**

**ARUN MOHAMED.....PLAINTIFF**

**VERSUS**

**ASHAQ KAKAI.....1<sup>ST</sup> DEFENDANT**

**HASSAN WAMBAT.....2<sup>ND</sup> DEFENDANT**

**ALI BARASA.....3<sup>RD</sup> DEFENDANT**

**RULING**

1. The applicants' application dated **1/3/2017** seeks an order that the suit against the defendants be dismissed for want of prosecution. The application is not opposed by way of any grounds of opposition or a replying affidavit.
2. From the court record the last step taken in this matter before the current application was filed was the filing of defence dated **2<sup>nd</sup> October, 2015** on **5<sup>th</sup> October, 2015**. The plaintiff has therefore not demonstrated to the court in any way why this suit should not be dismissed. A period of one year has lapsed since the last step was taken in the matter.
3. I therefore dismiss this suit for want of prosecution.

**Signed, dated and delivered at Kitale on this 29<sup>th</sup> day of May, 2017.**

**MWANGI NJOROGE**

**JUDGE**

**29/05/2017**

Before - Mwangi Njoroge Judge

Court Assistant - Isabellah

Lowasikou holding brief for Ngeywa for Plaintiff

Ruling read in open court.

**MWANGI NJOROGE**

**JUDGE**

**29/05/2017**