



**REPUBLIC OF KENYA**

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

**CHUKA ELC [CA] CASE NO 27 OF 2017**

**FORMERLY MERU ELC [CA] CASE NO. 41 OF 2010**

**JOSPETER NYAMU.....APPELLANT**

**VERSUS**

**EDWARD MBAKA AGUSTINO.....RESPONDENT**

**RULING**

1. Parties were twice given a chance to show cause why this suit should not be dismissed for want of prosecution. The 2<sup>nd</sup> chance was given to the parties on **25<sup>th</sup> July, 2017**.
2. The court has realized that the appellant, an old man who represents himself, does not understand the court process. He also does not understand what he should do to show cause why an appeal should not be dismissed for want of prosecution.
3. In the interest of justice, I find that the age of the appellant and his failure to grasp what showing cause why the appeal should not be dismissed for want of prosecution constitutes enough cause to the satisfaction of the court that this appeal should not be dismissed.
4. I, also find it necessary in the interest of justice to allow the appellant to orally prosecute his appeal.
5. This is a 2010 appeal. It is necessary that it be heard and determined expeditiously. I direct that the appeal be heard on **17<sup>th</sup> October, 2017**.
6. I also order that notice be issued to the respondent to inform him that the appellant's side of the appeal will be orally heard on **17<sup>th</sup> October, 2017**.
7. It is so ordered.

Delivered in open court at Chuka this **31<sup>st</sup> day of July, 2017** in the presence of:

CA: Ndegwa

**P. M. NJOROGE**

**JUDGE**