

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT CHUKA

CHUKA ELC [CA] CASE NO 72 OF 2017

FORMERLY MERU ELC [CA] CASE NO. 163 OF 2013

M'NYIRI NTHIGA.....APPELLANT

VERSUS

APHAYARS KATHURAKU.....RESPONDENT

RULING

1. When the parties were to come to court on **25.7.2017** to show cause why this suit should not be dismissed for want of prosecution in terms of order 42 rule 35(2) of the Civil Procedure Rules, they did not turn up.

2. I am satisfied that the apposite notice was properly issued.

3. I find that the parties have failed to show cause why this Appeal should not be dismissed for want of prosecution in terms of Order 42 Rule 35 (2) of the Civil Procedure Rules.

The suit, therefore, merits dismissal.

4. The suit is dismissed.

5. It is so ordered.

Delivered in open court at Chuka this **25th day of July, 2017** in the presence of:

CA: Ndegwa

Parties -absent

P.M. NJOROGE

JUDGE