



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA ELC [CA] CASE NO 23 OF 2017

FORMERLY MERU ELC [CA] CASE NO. 66 OF 2013

NJERU MURUGU M'GITUNGA..... 1ST APPELLANT

PETER MUGAMBI NJERU.....2ND APPELLANT

VERSUS

KAGONI MURU NJERU.....RESPONDENT

RULING

1. Parties were to come to court to show cause why this suit should not be dismissed for want of prosecution.
2. Despite notice having been properly issued, the Appellants refused and/or failed to come to court to show cause why this appeal should not be dismissed for want of prosecution.
3. The Respondent, a very old lady, told the court that her property was destroyed by the appellants and she wanders around staying with friendly neighbours as the appellants destroyed her house.
4. I do note that since this appeal was filed in 2012 the appellants had taken no step whatsoever to prosecute their appeal.
5. I find that the Respondent has shown to the satisfaction of this court that this suit merits dismissal. Conversely, the appellants have shown no cause to the satisfaction of the court that their appeal should not be dismissed.
6. This appeal is dismissed.
7. In view of the fragile health status and old age of the Respondent whose identity card indicates that she is over 72 years old, I uphold the judgment of the lower court and in the interest of justice, issue the following orders:

1. Title to Land Parcel No. N. THARAKA/MARIMANTI/234 be cancelled and a new title be issued to KAGONI MURU NJERU (ID NO.4518432)
2. The Land Registrar in charge of Tharaka South District /Sub-County to dispense with production of the original certificate of title or tile deed.

8. It is so ordered

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

CA: Ndegwa

Kagoni Muru Njeru - Respondent

P. M. NJOROGE

JUDGE