



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT**

**AT CHUKA**

**CHUKA ELC [CA] CASE NO 76 OF 2017**

**FORMERLY MERU ELC [CA] CASE NO. 155 OF 2013**

**NKINGA MBIRIGA.....APPELLANT**

**VERSUS**

**FESTUS MBAYA.....RESPONDENT**

**RULING**

1. Notice was properly issued for parties to come to court to show cause why this appeal should not be dismissed for want of prosecution in terms of order 17 Civil Procedure Rules.
2. Notice was also issued by the Deputy Registrar that this suit was being listed before me for dismissal.
3. On 25.7.2017, only the respondent was in court. The appellant was absent.
4. The respondent told the court that the appellant had filed an appeal in Embu Civil Appeal No. 29 of 2003 which appeal was dismissed. He urged the court to dismiss this appeal.
5. I find that the respondent has shown cause why this appeal should not be dismissed. I also find that the appellant has failed or refused to show cause why this appeal should NOT be dismissed.
6. In the circumstances, this appeal is hereby dismissed.
7. I issue no order as to costs.

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

CA: Ndegwa

Festus Mbaya - respondent

**P.M. NJOROGE**

**JUDGE**