

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA ELC [CA] CASE NO 79 OF 2017

FORMERLY MERU ELC [CA] CASE NO. 57 OF 2013

NKOROI RIMUKIA KIRIMO.....1ST APPELLANT

EUSTACE KANGANGI KIRIMO.....2ND APPELLANT

ANDIEL IRAMBU KIRIMO.....3RD APPELLANT

VERSUS

ANDERSON MWAITHI & 6 OTHERS.....RESPONDENTS

RULING

1. Parties were to come to court to show cause why this appeal should not be dismissed for want of prosecution in terms of both orders 17 and 42, Civil Procedure Rules.
2. Proper notices were issued. More particularly notice was issued informing the parties that this appeal was being listed for dismissal before me on 25.7.2017.
3. On 25.7.2017, only two respondents, Anderson Mwiathi and Peter Mutwiri turned up. The other parties were absent. They urged the court to dismiss this appeal.
4. I find that this appeal merits dismissal. The two respondents present in court have shown to the satisfaction of the court that this appeal should be dismissed. The appellants have not shown to the satisfaction of the court that this appeal should not be dismissed.
5. In the circumstances, this appeal is dismissed.
6. I issue no order as to costs.
7. It is so ordered.

Delivered in open court at Chuka this 25th day of July, 2017

in the presence of:

CA: Ndegwa

Anderson Mwiathi & Peter Mutwiri - respondents

P.M. NJOROGE

JUDGE