



**REPUBLIC OF KENYA**

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

**CHUKA ELC [CA] CASE NO 18 OF 2017**

**FORMERLY MERU ELC [CA] CASE NO. 71 OF 2013**

**OLIVER NJERU FRANCIS ..... 1<sup>ST</sup> APPELLANT**

**SUSAN NYAWIRA NYAGA.....2<sup>ND</sup> APPELLANT**

**VERSUS**

**JAMES GITARI FRANCIS.....1<sup>ST</sup> RESPONDENT**

**MARY KAARI FRANCIS.....2<sup>ND</sup> RESPONDENT**

**RULING**

1. When the parties were to come to court on **13.7.2017** 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 **13<sup>th</sup> day of July, 2017** in the presence of:

CA: Ndegwa

Parties -absent

**P. M. NJOROGE**

**JUDGE**