



**REPUBLIC OF KENYA**

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

**CHUKA ELC [CA] CASE NO 06 OF 2017**

**FORMERLY MERU ELC [CA]CASE NO. 109 OF 2008**

NYAGA MUCHIRI.....1<sup>ST</sup> APPELLANT

PURITY MWATHOKA MUCHIRI – LEGAL REPRESENTATIVE OF GRACE NGURU MUCHIRI  
[DECEASED].....2<sup>ND</sup> APPELLANT

VERSUS

THOMAS NJIRU KANYUNGA.....1<sup>ST</sup> RESPONDENT

MICHERU KANYUNGA.....2<sup>ND</sup> RESPONDENT

**RULING**

1. This Appeal was listed for dismissal on 13.7.2017. Only the 1<sup>st</sup> respondent and his advocate Mr. Nyamu Nyaga, were in court.
2. Mr. Nyamu brought to the court's attention that Mr. B.G. Kariuki, the appellants' advocate, had on 10.11.2015 been directed to serve the 1<sup>st</sup> and 2<sup>nd</sup> respondents with the record of Appeal. He had not done so. Mr Nyamu asked the court to dismiss the Appeal and award costs to the 1<sup>st</sup> respondent as he had all along defenced the Appeal.
3. This Appeal is dismissed in terms of Order 42, Rule 35(2) CPR
4. Costs are awarded to the 1<sup>st</sup> Respondent.
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

Nyamu Nyag for the 1<sup>st</sup> Respondent

**P.M. NJOROGE**

**JUDGE**