



**REPUBLIC OF KENYA**

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

**CHUKA ELC CASE NO 24 OF 2017**

**FORMERLY MERU ELC CASE NO.86 OF 2016**

MUGO & GATUNGO LTD.....PLAINTIFF

VERSUS

MUTEGI MUGWETWA .....DEFENDANT

**RULING**

1. On **12<sup>th</sup> July, 2017** the firm of Wanja & Kibe for the plaintiff filed a notice of withdrawal pursuant to Order 25 Rule 1 of the Civil Procedure Rules, 2010 which notice was in the following terms:

**“NOTICE OF WITHDRAWAL**

***(Order 25, Rule 1 of the Civil Procedure Rules, 2010)***

***TAKE NOTICE that pursuant to the above order, the plaintiff hereby withdraws the suit.”***

2. The court notes that in a ruling dated 22<sup>nd</sup> March, 2017, at paragraph 7, the plaintiff was ordered to fully comply with order 11, Civil Procedure Rules, within 30 days. It is clear that the plaintiff did not comply with this order.

3. On 12.7.2017 when the matter came up for directions, the Notice of Withdrawal of the suit was brought to the attention of the court. Mr Murimi, for the defendant indicated that the defendant was not opposed to the withdrawal but sought costs.

4. This suit is withdrawn and marked as settled.

5. Costs are awarded to the defendant.

6. It is so ordered.

Delivered in open court at Chuka this **12<sup>th</sup> day of July, 2017** in the presence of:

CA: Ndegwa

Ashava h/b Murimi Murango for the defendant

**P. M. NJOROGE,**

**JUDGE.**