



**REPUBLIC OF KENYA**  
**IN THE ENVIRONMENT AND LAND COURT AT CHUKA**  
**CHUKA ELC CASE NO 96 OF 2017**  
**FORMERLY MERU ELC CASE NO. 122 OF 2006**

PATRICK M. NYAGA.....1<sup>ST</sup> PLAINTIFF  
MUTUA NYAGA.....2<sup>ND</sup> PLAINTIFF  
KIMATHI NYAGA.....3<sup>RD</sup> PLAINTIFF  
KIRUGU NYAGA.....4<sup>TH</sup> PLAINTIFF  
GLADYS NYAGA.....5<sup>TH</sup> PLAINTIFF  
ROSE NYAGA.....6<sup>TH</sup> PLAINTIFF

VERSUS

M'RIRI M'IRAMBU.....DEFENDANT

**RULING**

1. Parties were to come to court on 10.7.2017 to show cause why this suit should not be dismissed for want of prosecution in terms of Order 17 Rule 2 (1) of the Civil Procedure Rules.
2. Only the 1<sup>st</sup> Plaintiff, Patrick M. Nyaga, came to court. The other parties were absent.
3. The 1<sup>st</sup> plaintiff told the court that he had filed another case against the defendant at Meru. He proffered that it was suit No. 122 of 2005. He did not indicate that he was interested in prosecuting this case. By their absence, the other plaintiffs are clearly not keen in prosecuting this case.
4. I find that no cause has been shown to the satisfaction of this court that this suit should not be dismissed.
5. In the circumstances, this suit is dismissed.
6. No order as to costs is issued.
7. It is so ordered.

Delivered in open court at Chuka this **10<sup>th</sup> day of July, 2017** in the presence of:

CA: Ndegwa

Patrick M. Nyaga – 1<sup>st</sup> plaintiff

**P.M. NJORGE**

**JUDGE**