



**REPUBLIC OF KENYA**  
**IN THE ENVIRONMENT AND LAND COURT**  
**AT CHUKA**  
**CHUKA ELC CASE NO 108 OF 2017**  
**FORMERLY CHUKA HCCA NO. 32 OF 2015**  
**FORMERLY MERU HCCA CASE NO. 7 OF 2009**

**DESDERIO WILLIS MBAKA.....1<sup>ST</sup> APPELLANT**  
**WILFRED MICHENI NJUE.....2<sup>ND</sup> APPELLANT**  
**JUSTUS MUTHARAKA.....3<sup>RD</sup> APPELLANT**  
**JAPHET KIRIMO NTHIGAI.....4<sup>TH</sup> APPELLANT**  
**DOROTHY CIANDURU JUSTIN.....5<sup>TH</sup> APPELLANT**  
**SELESIO MWIKAMBA.....6<sup>TH</sup> APPELLANT**  
**JEDIDA KAGENDO NJERU.....7<sup>TH</sup> APPELLANT**  
**ASHFORD NKARI.....8<sup>TH</sup> APPELLANT**  
**MICHENI STANLEY.....9<sup>TH</sup> APPELLANT**

**VERSUS**

**THE PRESBYTERIAN FOUNDATION.....1<sup>ST</sup> RESPONDENT**  
**THE P.C.E.A. KAMBANDI PARISH.....2<sup>ND</sup> RESPONDENT**  
**SIMON KIEMA.....3<sup>RD</sup> RESPONDENT**

**RULING**

1. Parties were to come to court on 10.7.2017 to show cause why the suit should not be dismissed for want of prosecution.
2. The Appellants and their advocate, Mark Muriithi, were in court. The defendants and their advocates were not in court.

3. Mr. Muriithi explained to court that when a High Court Station was established at Chuka, the file for this suit was erroneously sent to Chuka which did not have an ELC Court. He told the court that he had filed an application dated 7.11.2016 seeking the file to be returned to Meru since Chuka did not have an ELC Court.

4. I find that the appellants have shown to the satisfaction of the court that this suit should **NOT** be dismissed.

5. The appellants are ordered to file and exchange their written submissions within 21 days of today and the respondents are to do so within 21 days after receipt of the appellants' written submissions.

6. The advocate for the appellant to serve upon the advocate's for the respondents the orders issued by the court today within 10 days of today.

7. Costs shall be in the cause.

8. Directions on 26.9.2017.

9. 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

Muriithi for the Appellants

**P. M. NJOROGE**

**JUDGE**