

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA ELC CASE NO 104 OF 2017

FORMERLY MERU ELC CASE NO. 66 OF 2007

NARCHISO NJAGI BAUNI.....PLAINTIFF

VERSUS

M'KURA KIRAITHE alias M'KUURA M'KIRAITHE..... DEFENDANT

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 in terms of order 17 rule 2(1) of the Civil Procedure Rules.
2. Mr. Kiogora Arithi, holding brief for Mr.Nyamu Nyaga, for the plaintiff told the court that the plaintiff wanted the suit withdrawn with no order as to costs.
3. Withdrawal of a suit does not constitute cause, to the satisfaction of the court, why a suit should not be dismissed for want of prosecution.
4. I find that no cause has been shown to the satisfaction of this court why this suit should not be dismissed.
5. In the circumstances, this suit is dismissed.
6. No costs are awarded.
7. It is so ordered.

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

CA: Ndegwa

Kiogora Arithi h/b Nyamu Nyaga for the plaintiff

P.M. NJOROGE

JUDGE