



REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT CHUKA
CHUKA ELC CASE NO 131 OF 2017
FORMERLY MERU ELC CASE NO. 38 OF 2011 (O.S)

DANSON MIANO KANGANGI.....PLAINTIFF

VERSUS

NJOGU NCEKEBU.....1ST DEFENDANT

ESTHER CIAKUTHI NJOGU.....2ND DEFENDANT

BONFACE MBOGO NJOGU.....3RD DEFENDANT

PHINEAS MUTEMBEI4TH DEFENDANT

RULING

1. This court has received a Notice of withdraw said to be pursuant to Order 25 Rule 1 of the Civil Procedure Rules which states as follows:

“RE: NOTICE PURSUANT TO ORDER 25 RULE 1 OF C.P RULES OS NO. 38 OF 2011 – DANSON MIANO KANGANGI VERSUS NJOGU NCEKEBU AND 3 OTHERS.

“The above matter refers

“Under instructions from our above named client, the plaintiff, we hereby wholly withdraw this suit against the defendants/respondents with no order as to costs.”

Yours faithfully,

FOR LEORNRD K. ONDARI & CO.

L.K. ONDARI

ADVOCATE.

2. Order 25, Rule 1 states as follows:

“At any time before the setting down of the suit for hearing the plaintiff may by notice in writing which shall be served on all parties, wholly discontinue his suit against all or any of the defendants or may withdraw any part of the claim, and such discontinuance or withdrawal shall

not be a defence to any subsequent action.”

3. Court records shows that this suit was set down for hearing to take place on 4th November, 2015. The setting down for hearing, by dint of order 25, rule 1, invalidates the plaintiffs Notice of Withdrawal of this suit dated 25th April, 2017 and filed at the registry on 21.6.2017.

4. Consequently, this court declares the intended withdrawal of this suit vide the notice dated 25.4.2017 but filed at the registry on 21.6.2017 void ab initio.

5. It is ordered that Notice be issued to the parties to come to court for directions on 21st November, 2017.

Delivered in open court at Chuka this 27th **day of September, 2017** in the presence of:

CA: Ndegwa

Parties absent

P.M. NJORGE

JUDGE