

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT OF KENYA AT CHUKA

CHUKA ELC CASE NO. 124 OF 2017

FORMERLY MERU ELC CASE NO.128 OF 2010 (OS)

JOHN MUCHIRI M'BAIBUAPLAINTIFF

VERSUS

JOHN KAMUKA RUKWARO.....DEFENDANT

RULING

1. Notice was issued and given to the parties to come to court 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. Cause was to be shown on 12.10.2017
3. On 12.10.2017, Mr. Majau, holding brief for B.G. Kariuki for the plaintiff told the court that the defendant was deceased and that the plaintiff was in the process of substituting the deceased defendants. He did not tell the court when the plaintiff died or if the suit against the defendant had abated.
4. I find that no cause has been shown to the satisfaction of the court that the 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 **12th day of October, 2017** in the presence of:

CA: Ndegwa

Parties not in court

P. M. NJOROGE

JUDGE