



**REPUBLIC OF KENYA**

**IN THE ENVIRONMENT AND LAND COURT AT CHUKA**

**CHUKA ELC CIVIL APPEAL CASE NO 54 OF 2017**

**FORMERLY MERU ELC MISC APPLICATION CASE NO.36 OF 2013**

**DANIEL NYAGA NDEGE.....APPELLANT**

**VERSUS**

**NYAGA MATOGI.....RESPONDENT**

**RULING**

1. Parties came to court on 14.11.2017, 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. Both parties came to court. The plaintiff told the court that he had left the matter to be handled by his lawyer. The defendant told the court that he was waiting to be summoned by the plaintiff.
3. I note that no step has been taken in this matter since 29<sup>th</sup>, May, 2013. The matter had not been placed before a judicial officer until a notice was issued for the parties to come to court to show cause why the suit should be dismissed for want of prosecution, 4 ½ years since the suit was filed.
4. I find that no cause has been shown to the satisfaction of the court that this suit should NOT be dismissed.
5. In the circumstances, this suit is dismissed.
6. I issue no order as to costs.

Delivered in open court at Chuka this **14<sup>th</sup> day of November, 2017** in the presence of:

CA: Ndegwa

Daniel Nyaga Ndege – Appellant

Nyaga Matogi - Respondent

**P. M. NJOROGE**

**JUDGE**