

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT CHUKA

CHUKA ELC CIVIL APPEAL CASE NO. 37 OF 2017

FORMERLY MERU ELC CIVIL APPEAL NO. 03 OF 2015

APHAXARD NJUE MUCHEKE.....APPELLANT

VERSUS

TYRES MBAE KIRAITHE..... RESPONDENT

RULING

1. When the parties were to come to court on **07.12.2017** to show cause why this suit should not be dismissed for want of prosecution in terms of order 42 rule 35(2) of the Civil Procedure Rules, they did not turn up. The matter had been listed for dismissal before me.
2. I am satisfied that the apposite notice was properly issued.
3. I find that the parties have failed to show cause why this suit should not be dismissed for want of prosecution in terms of order 42 rule 35(2) of the Civil Procedure Rules. The suit, therefore, merits dismissal.
4. The suit is dismissed.
5. It is so ordered.

Delivered in open court at Chuka this 7th day of December, 2017 in the presence of:

CA: Ndegwa

Parties not in court

P.M. NJOROGE

JUDGE