



REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT CHUKA
CHUKA ELC CIVIL APPEAL CASE NO 108 OF 2017
FORMERLY CHUKA HCCA NO. 32 OF 2015
FORMERLY MERU HCCA CASE NO. 7 OF 2009

DESDERIO WILLIS MBAKA.....1ST APPELLANT
WILFRED MICHENI NJUE.....2ND APPELLANT
JUSTUS MUTHARAKA.....3RD APPELLANT
JAPHET KIRIMO NTHIGAI.....4TH APPELLANT
DOROTHY CIANDURU JUSTIN.....5TH APPELLANT
SELESIO MWIKAMBA.....6TH APPELLANT
JEDIDA KAGENDO NJERU.....7TH APPELLANT
ASHFORD NKARI.....8TH APPELLANT
MICHENI STANLEY.....9TH APPELLANT

VERSUS

THE PRESBYTERIAN FOUNDATION.....1ST RESPONDENT
THE P.C.E.A. KAMBANDI PARISH2ND RESPONDENT
SIMON KIEMA.....3RD RESPONDENT

RULING

1. On 5.12.2017 when this matter came for directions, the 9th Appellant, Micheni Stanley, told the court that he never gave his authority to be an appellant in this appeal. He went on to say that he was satisfied with the lower court’s decision as he felt that the community would benefit from the dispensary which is already being run by the government. It was his feeling that this appeal is not necessary as all the committee craved for in the lower court was for the government to run the apposite dispensary.

2. Mr.Muriithi, the appellant's advocate told the court that he did not oppose removal of Micheni Stanley, the 9th Appellant, from the Appeal.

3. In the circumstances, the 9th Appellant, Micheni Stanley is removed from the Appeal.

4. No costs are awarded.

5. It is so ordered.

Delivered in open court at Chuka this 5th day of **December, 2017** in the presence of:

CA: Ndegwa

Mark Muriithi for the Appellants

Micheni Stanley – 9th Appellant

P.M. NJOROGE

JUDGE