



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MERU**  
**ENVIRONMENT AND LAND COURT**  
**ELC CASE NO 72 OF 2004 (OS)**

**FRANCIS MAGWANTHI IBUA.....PLAINTIFF**

**VERSUS**

**CYPRIANO KIGORWE.....DEFENDANT**

**R U L I N G**

Notice had been issued for parties to show cause why this suit should not be dismissed for want of prosecution in terms of Order 17 of the Civil Procedure Rules.

Mr. Nyauchi, for the Plaintiff, urged the Court not to dismiss the suit as all the parties were eager to have the suit heard and determined. Mr. Kiogora , holding brief for Mr. Rimita, told the Court that the Defendant would like the suit heard and determined on its merits.

I find that the parties have satisfied this Court that the suit should not be dismissed. **In the circumstances, the suit is not dismissed .**

**It is so ordered.**

Delivered in open Court at Meru this **14th day of March, 2016** in the presence of:-

CC: Daniel/Lilian

Baikiara for the Defendant

**P.M NJOROGE**

**JUDGE**