



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MERU**  
**IN THE ENVIROMENT AND LAND COURT**  
**CIVIL SUIT NO. 92 OF 2011(O.S)**

CELINA KAREA MURIA.....PLAINTIFF/RESPONDENT

VERSUS

ALOISE MURIATI THIRINGI.....DEFENDANT/APPLICANT

**R U L I N G**

This application was brought to Court by a way of a Certificate of Urgency. It seeks orders:-

1. ***THAT the suit against the Defendant herein be dismissed with costs for want of prosecution.***
2. ***THAT the Honourable Court be pleased to order for removal of all cautions, inhibition and or restriction placed on parcel No. NTIMA/IGOKI/1022.***
3. ***THAT the cost of this application and the entire suit be awarded to the Defendant.***

The application is supported by the Affidavit of the Applicant. It has proffered one ground as follows:-

1. ***THAT the Plaintiff has neglected and/or otherwise filed to set the suit down for hearing and/or failed to take any steps to prosecute the same as the matter was lastly in Court on the 19th day of March, 2013.***

The Applicant was not in Court on the day the Court fixed for the hearing of the application. There is no evidence that the Respondent had been served.

I deem it necessary to have this application dismissed. **I therefore, dismiss it.**

**Costs shall be in the cause.**

**It is so ordered .**

Delivered in Open Court at Meru this **15th day of March, 2016** in the presence of:

CC: Daniel/ Lilian

Parties not present

**P.M. NJOROGE**

**JUDGE**