



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT KITALE

LAND CASE NO. 59 OF 2016

EDNA CHERONO BORE.....PLAINTIFF

VERSUS

EQUATORIAL COMMERCIAL BANK LTD.....1ST DEFENDANT

PAMPA CHURRASCARIA LIMITED2ND DEFENDANT

GURAM INVESTMENTS AUCTIONEERS.....3RD DEFENDANT

RULING

1. The application dated 24/10/2017 seeks dismissal of the suit for want of summons or for want of prosecution. The applicant urges that this was matter in which summons were not served by the plaintiff. It is averred that after obtaining the orders of injunction the plaintiff failed to prosecute the matter.
2. The affidavit of service dated 5/2/2018 sworn by one Patrick M. Mutuma states that the instant application was served upon the Firm of Churchill Midwa & Co. Advocates and the 3rd defendant.
3. The application is not opposed. The suit is therefore dismissed with costs to the 1st defendant only for want of prosecution.

Dated, signed and delivered at Kitale on this 28th day of February, 2018.

MWANGI NJOROGE

JUDGE

28/2/2018

Coram:

Before - Mwangi Njoroge, Judge

Court Assistant - Picoty/Collins

N/A for the parties

COURT

Ruling read in open court in the absence of the parties and their advocates.

MWANGI NJOROGE

JUDGE

28/2/2018