



**Wamunyu v Njoroge & 2 others (Civil Appeal E249 of 2021)
[2024] KEHC 14554 (KLR) (31 October 2024) (Ruling)**

Neutral citation: [2024] KEHC 14554 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
CIVIL APPEAL E249 OF 2021
DO CHEPKWONY, J
OCTOBER 31, 2024**

BETWEEN

JOAN WANJIRU WAMUNYU APPELLANT

AND

ESTHER WANJIRU NJOROGE 1ST RESPONDENT

JOSEPH KABAUKU KARIUKI 2ND RESPONDENT

PETER NJOROGE KARIUKI 3RD RESPONDENT

RULING

1. This matter is for mention for parties and or their respective counsel to show cause why the appeal should not be dismissed for want of prosecution. There is no appearance by either party and or their representation to explain their absence.
2. I have perused the record and note that since lodging the appeal by Memorandum of Appeal filed on 20th December, 2021, there has been no action taken by either party and more so, the Appellant and or counsel.
3. In view of this, it is clear that the Appellant and or counsel have lost their interest in having the appeal prosecuted.
4. In the circumstances, it is only prudent that the court system be unclogged of backlog by having this appeal dismissed. The court therefore proceeds to dismiss the appeal for want of prosecution pursuant to Order 42 Rule 35(2) of the *Civil Procedure Rules*.

It is so ordered.

RULING DATED AND SIGNED AT KIAMBU THIS 31ST DAY OF OCTOBER , 2024.

D. O. CHEPKWONY



JUDGE

In the presence of:

No appearance for and by either party

Court Assistant - Martin

