



**JMS v KKO (Civil Suit 8 of 2020) [2023] KEHC 24026 (KLR) (24 October 2023) (Ruling)**

Neutral citation: [2023] KEHC 24026 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
CIVIL SUIT 8 OF 2020  
RE ABURILI, J  
OCTOBER 24, 2023**

**IN THE MATTER OF SECTION 17(1) OF THE MATRIMONIAL PROPERTY ACT 2013**

**BETWEEN**

**JMS ..... PLAINTIFF**

**AND**

**KKO ..... DEFENDANT**

**RULING**

1. It is now 13.48 hours, parties are called out but they are absent.
2. This suit was filed in 2020 and despite the court moving itself to mention the matter and serving of notices to the parties, there is no appearance on the many occasions that the matter has previously been mentioned.
3. The Plaintiff has also not taken any steps to have the suit prosecuted.
4. Accordingly, as the parties were served on 29<sup>th</sup> September 2023 and there is no appearance, this suit is hereby dismissed for want of prosecution with no orders as to costs and the file is closed.
5. I so order.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 24<sup>TH</sup> DAY OF OCTOBER, 2023**

**R. E. ABURILI**

**JUDGE**

