

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

KAKAMEGA

MISCELLANEOUS CIVIL APPLICATION NO. 169 OF 2019

PROTUS WASWA.....APPLICANT

VERSUS

NATIONAL CEREALS AND PRODUCE BOARDRESPONDENT

RULING

1. These proceedings commenced by way of Motion, dated 19th July 2019, for temporary stay of execution of a judgment delivered in an undisclosed suit, and leave to appeal out of time.
2. The applicant listed that application for hearing on 18th November 2019, but he was not available to argue it, so the same was dismissed for non-attendance and want of prosecution.
3. He then moved another application dated 3rd December 2019, seeking to have the application dated 19th July 2019 reinstated. That application was allowed on 18th February 2020, and the said application was reinstated.
4. The application dated 19th July 2019 was then fixed for hearing on 28th September 2020. The applicant was not present to prosecute it, and that application was once again dismissed for want of prosecution.
5. What I am called to determine is an application dated 7th October 2020, which seeks reinstatement of the dismissed applications. The principal application, dated 19th July 2019, is incredibly vague. It does not disclose the suit from which the judgment sought to be stayed was delivered. No document is attached to the supporting affidavit. There is no evidence whether the judgment emanated from a decision of the High Court or a magistrate's court. If a magistrates court, it is not indicated which one, and in which suit. It would serve no purpose to reinstate the said application, for no logical orders can ever be granted on it.
6. The application dated 7th October 2020 is hereby dismissed. The respondent shall have the costs. It is so ordered.

DELIVERED, DATED AND SIGNED IN OPEN COURT AT KAKAMEGA THIS 29th DAY OF October 2021

W. MUSYOKA

JUDGE