



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**MILIMANI LAW COURTS**  
**COMMERCIAL & ADMIRALTY DIVISION**

**CIVIL SUIT NO. 150 OF 2017**

VICTOR MAKAU WAMBUA.....1<sup>ST</sup> PLAINTIFF/RESPONDENT

ZACCHEUS MWALYO BERNARD.....2<sup>ND</sup> PLAINTIFF/RESPONDENT

-VERSUS-

EQUITY BANK LIMITED.....1<sup>ST</sup> DEFENDANT

LAZARUS KINYUMU T/A SPECTRUM AUCTIONEERS LTD.....2<sup>ND</sup> DEFENDANT

PURPLE ROYAL AUCTIONEERS.....3<sup>RD</sup> DEFENDANT

CREDIT REFERENCE BUREAU AFRICA LTD.....4<sup>TH</sup> DEFENDANT

**RULING**

1. It would seem that the plaintiff has lost interest in this matter. The last time the plaintiff was represented in court was on **31<sup>st</sup> May 2017**. Since then the matter appeared before court on **31<sup>st</sup> July** and **16<sup>th</sup> October 2017** and although the plaintiff was served for both these two dates there was no appearance on behalf of the plaintiff.
2. The application before court is a notice of motion dated **25<sup>th</sup> June 2018** filed by 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and 5<sup>th</sup> defendants. It was heard before on **2<sup>nd</sup> October 2018**. The plaintiff although served did not attend court. The application seeks dismissal of the suit for want of prosecution.
3. As stated before the evidence is clear, the plaintiff has lost interest in this matter and there is no reason to maintain this matter on record.
4. Accordingly, this suit is hereby dismissed against all defendants for want of prosecution with costs of the suit and of the notice of motion dated **25<sup>th</sup> June 2018** being awarded to 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and 5<sup>th</sup> defendants. I order this file to be closed.

**DATED, SIGNED and DELIVERED at NAIROBI this 29<sup>th</sup> day of November, 2018.**

**M. KASANGO**

**JUDGE**

***Ruling read and delivered in open court in the presence of:***

Court Assistant.....Sophie

..... for the Plaintiffs

..... for the Defendants

**MARY KASANGO**

**JUDGE**