



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT CHUKA**

**CHUKA ELC CASE NO 28 OF 2017**

**FORMERLY MERU ELC CASE NO.49 OF 2015**

**CLARENCE NYAGA MBUIH.....PLAINTIFF**

**VERSUS**

**FRANKLINE KINYUA.....DEFENDANT**

**RULING**

1. Parties were issued with a notice to come to court on 28.2.2017 to show cause why this suit should not be dismissed for want of prosecution in terms of order 17 rule 2 (1) of the Civil Procedure Rules.
2. On 28.2.2017 the defendant and/or his advocate were not in court.
3. Miss Kaaria holding brief for Mr Nyamu Nyaga, for the plaintiff told the court that Mr.Nyamu Nyaga had lost contact with his client. She asked that Mr. Nyamu Nyaga be granted more time to seek instructions from his client.
4. I note that from July, 2015 when this suit was filed, the matter has not been brought before a Judge or any other judicial officer.
5. I find that the parties have **NOT** shown to the satisfaction of this court why this suit should **NOT** be dismissed.
6. This suit is dismissed.
7. It is so ordered.

Delivered in open court at Chuka this 28<sup>th</sup> day of February, 2017 in the presence of:

CA: Ndegwa

M/S Kaaria h/b Nyamu for the Plaintiff

Defendant or Advocate Absent

**P. M. NJOROGE,**

**JUDGE**