

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT CHUKA

CHUKA ELC CASE NO 79 OF 2017

OBADIAH PETER KAIRARIA.....PLAINTIFF

VERSUS

ANDERSON GITONGA JUSTACE.....1ST DEFENDANT

CECILIA CHURI SALESIO.....2ND DEFENDANT

RORLAND KIMATHI KANGA.....3RD DEFENDANT

RULING

1. Notice had been properly given for parties to come to court on 22.2.2017 to show cause why the suit should not be dismissed for want of prosecution in terms of order 17 Rule 2(1) of the Civil Procedure Rules.
2. On 22.2.2017, the defendant was not present but the plaintiff's advocate M/S Kiome urged the court to allow the plaintiff to file an affidavit which she said would show cause why the suit should not be dismissed.
3. On 27.2.2017 Miss Kiome and Mr Kiautha Arithi, the defendants advocate, urged the court not to dismiss the suit as both parties were eager to have the suit heard on its merit. They also asked the court to give the parties 30 days to explore a settlement.
4. I have perused the affidavit filed by the plaintiff. It shows that he has been suffering from ill-health.
5. I find that the parties have shown to the satisfaction of the court that the suit should NOT be dismissed. In the circumstances, the suit is not dismissed.
6. I grant the parties their request that they be granted 30 days to explore an out of court settlement.
7. Parties to come for directions on 27.3.2017.
8. It is so ordered.

Delivered in open court at Chuka this 27th day of February, 2017 in the presence of:

CA: Ndegwa

M/S Kiome for the plaintiff

Kiautha Arithi for the defendant

P.M. NJOROGE

JUDGE