



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT CHUKA

CHUKA ELC CASE NO.46 OF 2017

FORMERLY MERU ELC CASE NO. 26 OF 2014

ANDERSON KARANI KANAMPIU.....PLAINTIFF

VERSUS

DOROTHY KANYAMU SILAS.....1ST DEFENDANT

MARY KAARI MICHENI.....2ND DEFENDANT

MARY NJERI KIMA.....3RD DEFENDANT

RULING

1. The parties were properly given Notice to come to court to show cause why the suit should not be dismissed in terms of Order 17 rule 2 (1) of the Civil Procedure Rules.
2. The apposite Notice was dated 3rd February, 2017.
3. Cause was to be shown on 15th February, 2017.
4. On 15th February, 2017, the defendants or their advocates did not turn up. Mr. David Gichuki held brief for D. J. Mbaya, the plaintiff's advocate. He told the court that the parties were praying for 30 days to comply with order 11 of the Civil Procedure Rules. He did not address the court with regard to the parties showing cause why this suit should not be dismissed.
5. I do note that on 30th July, 2015 when the parties were last in court, Muthomi, holding brief for D.J. Mbaya, the plaintiff's advocate, told the court that Mr Mbaya could not trace his client.
6. Order 17 rule 2(1) decrees that in any suit in which no application has been made or step taken by either party for one year, the court may give notice to the parties to show cause why the suit should not be dismissed and if cause is not shown to its satisfaction, the court may dismiss the suit.
7. I am satisfied that notice was properly given for the parties to come to court to show cause why this suit should not be dismissed in terms of Order 17 Rule 2 (1) of the Civil Procedure Rules.
8. No cause has been shown to the satisfaction of the court that this suit should not be dismissed. The suit is, therefore, dismissed.

9. It is so ordered.

Delivered in open court at Chuka this 22nd day of February, 2017 in the presence of:

CA – Ndegwa

Gichoki for DJ Mbaya for the plaintiff

Defendants - absent

P. M. NJOROGI

JUDGE