

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI

CIVIL CASE NO. 598 OF 2012

CATHOLIC DIOCESE OF MURANG'A

RESISTERED TRUSTEES.....PLAINTIFF

VERSUS

ROYAL MEDIA SERVICES LTD.....DEFENDANT

RULING

This matter was handled by Ombija J who on 18th February, 2016 heard an application by the defendant which sought the dismissal of the suit for want of prosecution. After recording the submissions by counsel, the judge made the following order,

“The application dated 3/9/2015 is granted in terms of prayers 1 and 2 of the application. Reasons for the dismissal be given on 14/4/2016.”

No such reasons are on record. The judge has retired and I am not in a position to know the reasons he would have given for the dismissal order above. To ensure that justice is done to both parties, the order that commends itself is that the parties have to appear before any other Judge in the Division for directions considering that the retired Judge had made a decision in favour of one of the parties, only that the reasons therefor were never given.

As this is an old matter, priority should be considered when giving dates. No order as to costs.

Dated and delivered at Nairobi this 26th Day of April, 2017

A. MBOGHOLI MSAGHA

JUDGE