

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT CHUKA

CHUKA ELC CASE NO 255 OF 2017

FORMRLY MERU ELC CASE NO. 77 OF 2016

CYPRIAN KITHURE GAICHENA.....PLAINTIFF

VERSUS

JEREMIAH MUTHENGIDEFENDANT

RULING

1. Vide a ruling delivered by this court on 26th September, 2017, the plaintiff was ordered to fully comply with order 11, CPR, within 14 days of that date. The defendant was ordered to fully comply with order 11, CPR, within 14 days after receipt of the plaintiff's compliance documents.
2. The plaintiff was ordered to serve upon the defendant the orders issued by the court vide the apposite ruling. Upon perusal of the court file, it is pellucid that the plaintiff did not fully comply with order 11, CPR as ordered by the court. It is also clear that the orders issued by the court on 26.9.2017 have not been served upon the defendant by the plaintiff.
3. I find that this is one of the rare cases I am constrained to invoke the inherent power of this court to dismiss a suit for the reason that a party or parties have abused the court process.
4. In the circumstances, this suit is dismissed with the result that any extant interlocutory orders are automatically vacated.
5. I issue no orders as to costs.

Delivered in open court at Chuka this **30th day of October, 2017** in the presence of:

CA: Ndegwa

Parties not present

P.M. NJOROGE

JUDGE