

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT CHUKA

CHUKA ELC CASE NO. 105 OF 2017

FORMRLY MERU ELC CASE NO.103 OF 2007

PETER MUTEGLI.....PLAINTIFF

VERSUS

BENJAMIN KIMENCHU & ANO.....DEFENDANT

RULING

1. When this matter came up in court on 6.11.2017, the issue of abatement of the suit against the plaintiff arose.
2. No question arises regarding abatement of the suit against the plaintiff. The suit was filed in 2007. The advocate representing the plaintiff told the court that for some years he was unable to trace the plaintiff's family. He says that he only traced the plaintiff's wife recently.
3. It is pellucid, that where a suit abates no fresh suit shall be brought on the same cause of action.
4. As this suit concerns land, and since it involves an elderly widow, I direct the plaintiff and his advocate to apply for an order to revive this suit within 30 days of the delivery of this ruling.
5. Parties are directed to come to court for directions on **29th January, 2018.**
6. It is so ordered.

Delivered in open court at Chuka this 11th day of December, 2017

in the presence of :

CA: Ndegwa

Nyamu Nyaga for plaintiff

P. M. NJOROGE

JUDGE