



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MERU**

**CIVIL SUIT NO 48 OF 2009(OS)**

**KINUU M'IBUTU .....PLAINTIFF/RESPONDENT**

**VERSUS**

**JOSHUA MUTWIRI NTARANGWI (Sued as legal Representative  
of the Estate of ROBERT RINGERA.....DEFENDANT/APPLICANT**

**R U L I N G**

This application is dated 19th January, 2016 and seeks orders that:-

1. *The Honourable Court do dismiss the Plaintiff's/Respondent's case for want of prosecution.*
2. *The Honourable Court do make such further orders as may meet the ends of justice in this case.*
3. *Costs of this application be provided for.*

The application is supported by the affidavit of Joshua Mutwiri Ntarangwi, the applicant, and has the following grounds.

- i. *The Plaintiff has shown no interests (sic) at all to prosecute his case.*
- ii. *This case was filed merely to defeat the ends of justice.*
- iii. *The applicant and his siblings are suffering great loss and damages as a result of this case.*

On 24/02/2016, the parties, by consent, agreed to have the application marked as withdrawn. The Plaintiff, by consent, agreed to pay the Defendant assessed costs in the sum of Kshs. 5000/= within 7 days.

The application is marked withdrawn and settled. The Plaintiff is ordered to pay the Defendant the sum of Kshs. 5000/= within 7 days of today.

**The parties are ordered to fully comply with order 11, CPR within 14 days.**

**It is so ordered.**

Delivered in Open Court at Meru this **24th day of February, 2016** in the presence of:-

CC: Lilian /Daniel

Miss E.G Mwangi for the Defendant

Rimita for the Plaintiff

**P. M. NJOROGE**

**JUDGE**