



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MERU
CIVIL SUIT NO 159 OF 2008

JOHN MUTHIKA M'TOBI1ST PLAINTIFF/APPLICANT
PETER MUGAA.....2ND PLAINTIFF/APPLICANT

VERSUS

NTARANGWI M'ARANJU M'MARAKI.....1ST DEFENDANT/RESPONDENT
ISAAC M'THIRARI M'NABEA2ND DEFENDANT/RESPONDENT
SILAS MWIRIGI A. KANYAMU.....3RD DEFENDANT/RESPONDENT
PETER KUKUNDI MUNGANIA.....4TH DEFENDANT/RESPONDENT
NJIRA THAMERU.....5TH DEFENDANT/RESPONDENT
SOLOMON AYUBU6TH DEFENDANT/RESPONDENT
THILANGE M'IKENDA.....7TH DEFENDANT/RESPONDENT
STANEY MIAKA.....8TH DEFENDANT/RESPONDENT
DAVID MAORE9TH DEFENDANT/RESPONDENT
JOHN NTARANGWI P. MWIMBI.....10th DEFENDANT/RESPONDENT
JOSEPH MEEME M'IMARA.....11TH DEFENDANT/RESPONDENT

R U L I N G

Parties have been directed by the Deputy Registrar to obtain directions regarding hearing them on the notice to show cause why the suit should not be dismissed for want of prosecution.

Contrary to the instructions given to Advocate Gichunge by Advocate, B. G. Kariuki, the parties were directed by the Deputy Registrar on 01.09.2015 to obtain a date for hearing of the Notice to show cause why this suit should not be dismissed for want of prosecution.

On 06.07.2015, the Honourable Githinji, J, Judge directed as follows:-

***“Mention before Deputy Registrar on September 1st for a hearing date.*”**

if parties do not attend, the matter, stands dismissed”.

On 1st September, only the Plaintiff was present. Advocate Leekona was present for the Plaintiffs. No one represented the Defendants.

The parties were ordered by the Deputy Registrar to obtain a hearing date from the Registry. On 9.02.2016, the parties obtained a date for directions from the Registry. The date given was 30th of March, 2016.

On this date the Plaintiffs were represented by Mr. Gichunge holding brief for the plaintiffs. The defendants were not represented.

Today's date for directions was deemed by the Court to be the date when the parties would show cause why the suit should not be dismissed for want of prosecution in terms of order 17, CPR. It is noted that, although Mr. B.G Kariuki, had instructed Mr. Gichunge to hold brief for him, he gave him misleading instructions. Today's date was for directions for the parties to show cause why the suit should not be dismissed for want of prosecution. I find that the parties have not shown cause why this suit should not be dismissed for want of prosecution. I therefore dismiss the suit. In the words used by the Hon. Justice Githinji on 06.07.2015, the suit stands dismissed.

It is so ordered .

DELIVERED IN COURT AT MERU THIS 30TH DAY OF MARCH, 2016 IN THE PRESENCE OF:-

CC: Lilian

Gichunge h/b B.G. Kariuki for the Plaintiffs.

P.M. NJOROGI

JUDGE