



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT NAIROBI**  
**CIVIL CASE NO. 254 OF 2010**

**ALVAN NJERU MUGO .....PLAINTIFF/RESPONDENT**

**VERSUS**

**A L;BERNARD GUTU .....1<sup>ST</sup> DEFENDANT/APPLICANT**

**FRANCIS KARANJA NJOROGE .....2<sup>ND</sup> DEFENDANT/APPLICANT**

**JOSEPH WAMBUA.....3<sup>RD</sup> DEFENDANT /APPLICANT**

**SHAIKH ENTERPRISES LTD.....4<sup>TH</sup> DEFENDANT/APPLICANT**

**RULING**

This suit was instituted before this court on 13<sup>th</sup> May 2010 pleadings closed in 2012 after the defendant filed amended defence. Since then, the plaintiff has never taken any steps to have the suit heard and determined. No pre-trial directions have been given and there is no attempt for over 3 years now to have the suit made ready for prosecution. No reasons are given for the delay. In the premise, I find that there is unexplained long delay contrary to the overriding objectives of the law under Section 1A and 1B of the Civil Procedure Act and Article 159 of the Constitution which commands that justice shall not be delayed.

Accordingly, I hereby allow the application dated 12<sup>th</sup> January 2016 and dismiss this suit for want of prosecution under Order 17 Rule 2(3) of the Civil procedure Rules and award costs of the application and the suit to the defendant/applicants.

**Dated, signed and delivered in open court this 25<sup>th</sup> day of April 2016.**

**R.E. ABURILI**

**JUDGE**