



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAKURU**

**HIGH COURT CIVIL CASE NUMBER 276 OF 2010**

**EQUITY BANK LIMITED.....PLAINTIFF**

**VERSUS**

**JAMES NJENGA WANDUNGA..... DEFENDANT**

**RULING**

1. I have heard reasons adversed by the Plaintiff's counsel for request for the adjournments that the Bank representative is not available. This is an old case. Twice the defendant has had to compromise on its applications for dismissal of suit for want of prosecution and gave the plaintiff an opportunity to prosecute its case.
2. I am not persuaded that the plaintiff has an interest to prosecute the suit. No good reason has been put forth.
3. In the premises, the suit is dismissed for want of prosecution with costs to the defendants.

**Dated, signed and delivered this 19<sup>th</sup> of May, 2015.**

**JANET MULWA**

**JUDGE**

**In the presence of:**

Khatambi holding brief for Kibanga - for plaintiff

Alwala - for Defendant

Court clerk - Lina