



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MERU
CIVIL SUIT NO. 53 OF 2012

ELIZABETH KAIRIGO (suing as the administrator of the estate of
BAIKALABA M'LIMUNGI.....PLAINTIFF

VERSUS

M'IKIAO AMURU.....1ST DEFENDANT
SILVESTA LUBETAA.....2ND DEFENDANT
MAKELINA KANOCIA FRANCIS.....3RD DEFENDANT
GODFREY MUGAO AMURU.....4TH DEFENDANT
DOMINIC MURANGIRI.....5TH DEFENDANT
PHILIP KAIRITHIA MUGWIKA.....6TH DEFENDANT
THE TIGANIA WEST DIST. ADJ & SETTL. OFFICER.....7TH DEFENDANT

R U L I N G

This application, by the defendants, is dated 10th July, 2013.

It seeks the following orders:

1. **THAT** this suit be dismissed for want of prosecution.
2. **THAT** in the event that this suit is not dismissed the plaintiff be ordered to deposit security of cost in court.
3. **THAT** the cost of this application be in cause.

It has the following grounds:

1. **THAT** the plaintiff in this case is not serious in prosecuting her case.

2. **THAT** since the filing of this suit the plaintiff has never taken any step to prosecute the matter.

3. **THAT** the plaintiff filed **HCC NO. 98 OF 2011** against the same parties over the same subject matter and after failing to prosecute the same she withdrew the same.

4. **THAT** the plaintiff in this suit has failed to pay costs awarded in **HCC NO. 98 OF 2011**.

During mention for directions on 28.9.2015, Mr. Ondieki for 1st to 7th defendants, told the court that in the interest of expeditious disposal of the suit, he wished to withdraw the application. His oral application was not opposed by the other parties. In the circumstances, the application is marked as withdrawn and settled with no order as to costs.

It is so ordered.

Delivered in Open court at Meru this 28th day of September, 2015 in the presence of:

Cc. Lilian/Daniel

Omwega h/b Njiru for the Plaintiff

Ondieki for 1st to 7th defendants

Kieti for 8th defendants

P. M. NJOROGE

JUDGE