



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MERU**  
**CIVIL SUIT NO 14 OF 2006**

KARUTHU MAGIRI alias MARY MAGIRI (Suing as the administratrix  
of the estate of M'MAGIRI M'ANAMPIU .....PLAINTIFF

**VERSUS**

JOHN KABURU MAGIRI .....1<sup>ST</sup> DEFENDANT  
SETTLEMENT FUNDS TRUSTEE.....2<sup>ND</sup> DEFENDANT  
M'RUTERE M'NGURATHI.....3<sup>RD</sup> DEFENDANT  
FLORENCE MUTHONI ABIRA CHARLES .....4<sup>TH</sup> DEFENDANT

**RULING**

Parties were issued with a Notice to show cause, Under Order 17 Rule 2 of the Civil Procedure Rules, why this suit should not be dismissed.

On 12/11/2015, Mr. Dickson Kimathi for the Plaintiff told the Court that his firm had filed an application to cease acting for the Plaintiff dated 30/01/2013. He told the Court that their firm had been directed to serve the application upon their Client, the Plaintiff. However, he said, they have been unable to trace him.

Mr. Muthamia told the Court that the suit should be dismissed because of non-prosecution.

I find that the parties have shown no cause to the satisfaction of this Court as to why this suit should not be dismissed. This suit is, therefore dismissed.

I award no costs as the defendants have not demonstrated their eagerness to have the suit heard expeditiously.

It is so ordered.

**Delivered in open Court at Meru this 12<sup>th</sup> day of November, 2015 in the presence of:**

CC: Lilian /Daniel

Dickson Kimathi for Plaintiffs

Muthamia for Defendants

**P. M. NJORGE**

**JUDGE**