



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MERU
CIVIL SUIT NO. 9 OF 1987

ERUSTUS MBAABU.....1ST PLAINTIFF
JACKSON M'AMURU.....2ND PLAINTIFF

VERSUS

M'MBURUGU M'RINKANYA.....1ST
DEFENDANT

LAND REGISTRAR – MERU.....2ND
DEFENDANT

MULWA AMURU ALIAS M'ANAMPIU AMURU.....3RD DEFENDANT

ISAIAH MUTUA ANAMPIU.....4TH DEFENDANT

JOSEPH GACHUI.....5TH DEFENDANT

MERU COUNTY COUNCIL.....6TH DEFENDANT

NYAMBENE COUNTY COUNCIL.....7TH DEFENDANT

MITARU LIKAUNYE.....8TH DEFENDANT

DOMINIC GIKAINE.....9TH DEFENDANT

RITHIRA RICHORO.....10TH DEFENDANT

R U L I N G

Order 17 Rule 2(1) says:

“In any suit in which no application has been made or step taken by either party for one year, the court may give notice in writing to the parties to show cause why the suit should not be dismissed, and if cause is not shown to its satisfaction, may dismiss the suit.”

Notice was given to the plaintiff to show cause why this suit should not be dismissed. The case has been in court for almost 27 years. No application had been made or step taken as required by Order 17 rule 2(1). I have perused his affidavit sworn on 19th March, 2014 and filed in court on 20th March, 2014. No cause has been shown to my satisfaction that this suit should not be dismissed. In the circumstances, I dismiss the suit.

Costs are awarded **ONLY** to the 10th defendant.

Delivered in Open Court at Meru this 20th day of March, 2014 in the presence of :

Kiautha Arithi for 10th defendant

Erustus Mbaabu plaintiff

P. M. NJOROGE

JUDGE