



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MILIMANI COMMERCIAL & ADMIRALTY DIVISION

CIVIL CASE NO. 535 OF 2010

JOSEPH MUNYAU WAHOME ::::::::::::::::::::::::::::::: PLAINTIFF

-VERSUS-

CFC STANBIC BANK LIMITED ::::::::::::::::::::::::::::::: DEFENDANT

R U L I N G

1. Before the court is the Notice to Show Cause dated 19th May 2014 which was served upon the parties to show cause why this suit should not be dismissed for want of prosecution under Order 17 Rule 2 Civil Procedure Rules 2010.
2. The Plaintiff responded to the said Notice to Show Cause vide an affidavit dated 25th June 2014 in which they have stated the steps they have taken to prosecute the suit. These steps are:-
 - Filing an amended Plaintiff dated 26th March 2013, which was filed on 3rd June 2013.
 - Filing a Defence dated 2nd August 2013.
 - Reply to defence dated 19th August 2013, and filed the same on 26th August 2013, which reply was duly served upon the Defendant's Advocates on the same date.
 - On 2nd December 2013, vide a letter to the Defendant's advocates, a statement of agreed issues and pre-trial questionnaire, were filed.
3. I have considered the said affidavit and I am satisfied that the suit is active and on track, and should be given a chance to proceed to conclusion on merit.
4. In allowing the suit to proceed I also direct the parties to conclude pre-trial directions under Order 11 within the next 45 days. The matter will be mentioned on 29th September 2014 to confirm compliance.

Orders accordingly.

DATED, READ AND DELIVERED AT NAIROBI

THIS 31ST DAY OF JULY 2014

E. K. O. OGOLA

JUDGE

PRESENT:

No appearance for Plaintiff

No appearance for Defendant

Teresia – Court Clerk