

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MERU

HCC 98/ 2010 (OS)

GILBERT MIRITI.....PLAINTIFF

VERSUS

JAPHET KINYUA M'MUTHAMIA.....DEFENDANT

RULING

A notice had been issued for the parties to show cause why this suit should not be dismissed for want of prosecution in accordance with order 17, rule 2 of the Civil Procedure Act.

Cause was to be shown on 22.7.2014. The advocate for the applicant explained that the suit had been brought to Court by way of Originating Summons. It concerned a piece of land where the plaintiff was living and if the case was dismissed he and his family would be rendered homeless and destitute. In this suit, the plaintiff is seeking ownership through adverse possession.

The plaintiff undertook to have the suit prosecuted with speed, if the court agrees not to dismiss it.

I find that cause has been shown to the satisfaction of the court why the suit should not be dismissed. Accordingly, this suit is not dismissed.

It is so ordered.

Delivered in Open Court this 22nd day of July, 2014 in the presence of:

Cc Daniel/Lilian

Kimathi for plaintiff

P. M. NJOROGE

JUDGE