



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT KERUGOYA

ELC CASE NO. 125 OF 2013

JOHN MUNYAMBU NJERU PLAINTIFF

VERSUS

MUNICIPAL COUNCIL OF KERUGOYA/KUTUS 1ST DEFENDANT

CHARLES GITHINJI MURUMIA 2ND DEFENDANT

RULING

This appeal having been admitted on 21st May 2010 by Lady Justice Karanja sitting at the High Court in Embu, the appellant's advocate was notified by letter dated 8th June 2010 to prepare the record of appeal and file the same within 21 days .

To-date, the record of appeal has not been prepared or filed. There have been several appearance in which the appellant's advocate has not attended.

On 31st October 2013, this Court directed that the appellant's advocate be served for the last time to appear on 3rd December 2013 for directions with clear instructions that if there will be no appearance for the appellant, this appeal will be marked as dismissed.

Service was indeed effected upon the appellant's advocate on 18th November 2013 indicating that if there is no appearance on 3rd December 2013, the appeal would be dismissed with costs. Come 3rd December 2013 and there was no appearance by the appellant's advocate and the respondent's advocate urged me to dismiss the appeal with costs. That is the subject of this ruling.

Notwithstanding the notice from the Deputy Registrar High Court of Kenya Embu dated 8th June 2010 directing the appellant's advocate to prepare the record of appeal and serve the same within 21 days, no action has been taken by the appellant in that regard. Clearly, the appellant has lost interest in this appeal as confirmed by the fact that there is no attendance by his advocate though duly served.

I am constrained therefore to dismiss this appeal with costs which I hereby do.

B.N. OLAO

JUDGE

18TH JULY, 2014

18/7/2014

Before

B.N. Olao – Judge

Mwangi – CC

Mr. Wachira for Plaintiff – absent

Mr. Murage for Mr. Munene for Defendant – present

COURT: Ruling delivered this 18th day of July, 2014 in open Court.

Mr. Murage for Mr. Munene for Respondent present

Mr. Wachira for Applicant absent.

B.N. OLAO

JUDGE

18TH JULY, 2014