



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI

MILIMANI COMMERCIAL & ADMIRALTY DIVISION

HCC NO. 1877 OF 2001

JEDIDA NGINA KIBUNTA.....PLAINTIFF

-Vs-

CITY COUNCIL OF NAIROBI.....1st DEFENDANT

ABRAHAM MWANGI NJIHIA2nd DEFENDANT

THE CHIEF LAND REGISTRAR.....rd DEFENDANT

MORRIS GITONGA NJUE.....4th DEFENDANT

VERA MWASI.....5th DEFENDANT

RULING

1. The Plaintiffs suit herein was dismissed on 2nd February 2012 by this court on failing by the parties to attend to a Notice To Show Cause dated 16.1.2012. The Plaintiff has now on a Notice of Motion application dated 2nd May 2014, the subject of this Ruling, praying for an Order of reinstatement of the suit.

2. The said application was served on all the parties and the Applicant caused an Affidavit of service to be filed in court on 19th May 2014.

3. I have carefully considered the application, the grounds set out for it and the Supporting Affidavit sworn by the Plaintiff on 2nd May 2014.

4. The applicant has explained to my satisfaction the reasons for delay. She was for a long time unable to secure money for advertisement of a substituted process in a newspaper. She has now secured the money and is ready to proceed. In the exercise of my discretion, and so that justice may be seen to be at play, I herewith allow the application and make the following Orders:

- i. The Order of dismissal of the suit herein issued on 2nd February 2012 is hereby set aside and the suit is hereby reinstated to proceed to fully hearing.
- ii. The Plaintiff must take a positive action within 30 days from the date of the ruling.
- iii. The matter will be mentioned on 4th November, 2014 for further directions.
- iv. Costs shall be in the cause.

Orders accordingly.

Dated, Read and Delivered at NAIROBI this 26th Day of September 2014.

E.K.O OGOLA

JUDGE

Present:-

M/S Maina for Plaintiff

Absent for Defendant

Teresia – Court clerk