



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MERU
CIVIL CASE NO. 5 OF 1990

MARIA KANARIO M'TWAMWARI.....PLAINTIFF

VS

IGOKI MUTETHIA FARMERS..... 1ST DEFENDANT

JAPHET KARUMA.....2ND DEFENDANT

ZIPPORAH MUCHIOKA.....3RD DEFENDANT.

RULING

This matter came up on 2/10/2014 for the parties to show cause why the suit should not be dismissed for want of prosecution.

Miss E. G. Mwangi told the court that she came on record for the plaintiff on 25/1/11. Although the suit was filed on 1990, another firm of advocate had been representing the plaintiff.

She told the court that since 2011 she had tried many times to obtain a hearing date without success. She told the court that the original plaintiff, Maria Kanario M'Twamwari died, and was substituted.

The substitution was evidence that the plaintiff wanted the suit to proceed to the stage of hearing and determination. Miss Mwangi said that she was willing to have the suit heard immediately if she could get a hearing date.

I am satisfied that the plaintiff has shown cause to the satisfaction of this court why the suit should not be dismissed.

I give the following directions'

1. ***Parties should fully comply with Order II CPR within 90 days from the date of this ruling.***
2. ***The plaintiff should set down the case for hearing within 45 days after achievement of compliance with Order II CPR.***

It is is ordered.

Delivered in Open Court at Meru this 30th day of October, 2014 in the presence of;

Cc. Daniel/Lilian

Mrs E. G. Mwangi for Plaintiff

Muthomi for Defendants

P. M. NJOROGE

JUDGE