

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MILIMANI COMMERCIAL & ADMIRALTY DIVISION

CIVIL CASE NO. 300 OF 2007

GIRISHON GITHUNGO

HITHA:.....PLAINTIFF/RESPONDENT

VERSUS

KENYA COMMERCIAL BANK LTD:.....DEFENDANT/APPLICANT

R U L I N G

1. Before the court is a **Notice to Show Cause** dated **29th September 2014**, which was served upon both the Defendant and the Plaintiff. There is no appearance for the Plaintiff while for the Defendant Mr. Litoro appeared and supported the dismissal of the suit pursuant to the said Notice to show Cause.
2. Mr. Litoro also drew the attention of the court to the Defendant's Notice of Motion dated 27th September 2014 and filed in court on 17th October 2014. The Notice of Motion also seeks the dismissal of the suit for want of prosecution.
3. The court has also observed that the last activity on the suit was on 2nd June 2011 when the Plaintiff sought interim injunctive orders against the Defendant, but which were not granted.
4. I am satisfied that the suit herein should be dismissed pursuant to the said Notice to Show Cause dated 1st October 2014, and so hold, with costs to the Defendant.

Orders accordingly.

READ, DELIVERED AND DATED AT NAIROBI THIS 18TH DAY OF NOVEMBER 2014

E. K. O. OGOLA

JUDGE

PRESENT:

No appearance for the Plaintiff

No appearance for the Defendant

Teresia – Court Clerk