

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

ELC NO. 120 B OF 2012

JUSTUS KIRIMI.....1ST PLAINTIFF

BENARD MAGAJU KIMARU.....2ND PLAINTIFF

VERSUS

JULIUS MBURUGU RUTERE.....DEFENDANT

R U L I N G

This matter was in Court for directions on 14.10.2014 when counsel for the defendants made an oral application that the Court invokes its inherent powers to dismiss the suit for non- prosecution arguing that the plaintiffs had filed their suit and lost interest.

After perusing the Court file, I agree that the plaintiffs filed this suit on 6.7.2012 and thereafter completely abandoned it. Having found that the plaintiffs had abandoned their suit for a period of more than 2 years, and had taken no step at all after filing their suit, I hereby dismiss the suit with costs to the defendant.

It is so ordered.

Delivered in Open Court at Meru this 18th Day of November, 2014 in the presence of:

Cc. Daniel/Lilian

Miss Kiome h/b Gikunda Anampiu for Defendant

P. M. NJOROGE

JUDGE