

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MILIMANI COMMERCIAL &ADMIRALTY DIVISION

CIVIL CASE NO. 133 OF 2007

NAIVASHA SELF SERVICE STORE LIMITED:.....PLAINTIFF

VERSUS

CAPITAL MOTORS EXHIBITION LIMITED:.....DEFENDANT

R U L I N G

1. The **Notice to Show Cause** before the court is dated **16th September 2014**. When it came for hearing on 31st October 2014, the Plaintiff or its representatives did not appear in court. The Defendant was represented by its counsel M/s Ngoima who supported the Notice to Show Cause and prayed for the dismissal of the suit with costs.
2. I have also noted that the same Notice to Show Cause came up for hearing on 24th October 2014. On that day, Mr. Kiche held brief for Mr. Abidha for the Plaintiff while Mr. Kaburu appeared for the Defendant. Mr. Kiche was not ready to proceed and successfully applied for adjournment to enable the Plaintiff to file a response to the said Notice to Show Cause. That is why the matter was adjourned to 31st October 2014, on which day Mr. Kiche for the Plaintiff never turned up.
3. I am satisfied that the Plaintiff's suit has been promptly not prosecuted and that the Plaintiff appears to have lost interest on the same.
4. Pursuant to the foregoing, I now herewith dismiss the suit within for want of prosecution pursuant to the Notice to Show Causes dated 16th September 2014. The costs of the suit shall be for 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

Kaburu for the Defendant

Teresia – Court Clerk