



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**MILIMANI LAW COURTS**

**CENTRAL REGISTRY CIVIL DIVISION**

**CIVIL SUIT NO.660 OF 2005**

**EURO MARINE INDUSTRIES INC.....PLAINTIFF.**

**VERSUS**

**NATION MEDIA GROUP LIMITED.....DEFENDANT.**

**RULING**

The application before me is by the defendant it seeks to have the plaintiff's suit dismissed for want of prosecution. Reasons being that the plaintiff has not taken any step to prosecute the suit for the last 2 years. I have read the affidavits filed by the parties. Indeed it has been 2 years since the parties were last in court. Mr. Bilings in his affidavit has explained that in 2011 they tried to fix the suit for hearing but they could not as the court file was not available. This is a possibility as am aware that at times a court file cannot be found at the court registry. He also states that the plaintiff is ready and willing to present the suit. I will give the plaintiff a chance to prosecute the suit. I therefore decline to grant the orders sought. Costs shall however be in the cause. Parties to proceed and fix a hearing date at the registry. Plaintiff to ensure that the provisions of order 11 are complied within 60 days from today. Costs shall be in the cause.

Dated, signed and delivered this 10<sup>th</sup> day of December 2013

**R. E. OUGO**

**JUDGE**

**In the presence of:-**

.....For the Applicant

.....For the Respondent

.....Court Clerk