



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MILIMANI COMMERCIAL COURTS

Miscellaneous Civil Application 637 of 2007

JOSEPHINE ISELE

KULUO.....APPLICANT

AND

**THE PRINCIPAL MAGISTRATE’S COURT, KIBERA
NAIROBI.....1ST RESPONDENT**

**THE ATTORNEY GENERAL2ND
RESPONDENT**

RULING

I have considered the Notice of Motion dated 7th May 2012. It seeks to set aside the dismissal order made on 22nd June 2007. I am satisfied that there is a sufficient explanation of non-attendance. However, I note that this is a 2007 matter which ought to have been prosecuted earlier with deliberate dispatch.

The order that commends itself to me is that the matter is reinstated and the Notice of Motion dated 22nd June 2007 shall be heard. However, in view of the delay in prosecuting the matter the interim orders in force shall not be reinstated. The ex-parte applicant shall bear the costs.

DATED and DELIVERED at NAIROBI this 26th day of July 2012.

**D.S. MAJANJA
JUDGE**

ORDER:-

Notice of Motion dated 22nd June 2007 shall be heard on 19.9.2012. Parties to exchange written submissions.

**D.S. MAJANJA
JUDGE**

