

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAKURU
CIVIL CASE NO.179 OF 2001

SULMAC COMPANY
LTD.....APPLICANT/DEFENDANT

VERSUS

GATHAMBA
MUNGE.....RESPONDENT/
PLAINTIFF

RULING

The plaint in this case was filed on 24th May, 2001 and the defence filed on 6th July, 2001. Four years later, on 24th March, 2005, the defendant/applicant brought the instant application praying that the suit be dismissed for want of prosecution. That application itself has taken 5½ years to be heard. However, it should be noted that this case was set down for hearing on 7th March., 2002. It is not clear what happened as there is no record for that day.

What is clear though is that the last attempt to hear the case was in March, 2002, some three years before this application was made and 8½ years today.

Despite service with both the application and hearing notice, the plaintiff/respondent has not replied or participated in the argument of the application. It is apparent that he has lost interest in his own claim. This case is therefore an unnecessary statistic of backlog. It is dismissed with costs to the defendant/applicant.

Dated, Delivered and Signed at Nakuru this 6th day of April, 2011.

W. OUKO

JUDGE