



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MERU

HIGH COURT CIVIL CASE NO. 35 OF 2002

JAMES M'NGARUTHI M'RINTARI 1ST PLAINTIFF
SILAS KIRIGIA M'RINTARI 2ND PLAINTIFF

VERSUS

MUGUNA M'RINTARI DEFENDANT

RULING

This suit was initially filed by two plaintiffs but subsequently, the second plaintiff died. The suit was marked as having abated in respect of that plaintiff. The court commenced receiving evidence in this case on 14th July 2009. The evidence of PW1 and 2 evidence was recorded by Emukule J. I received the rest of the evidence of the plaintiff and the defendant. Judgment was to be delivered today. In my perusal of this file, I found that on 26th May 2008 this suit was dismissed under the provisions of order XVI rule 6 of the amended Civil Procedure Rules. This case therefore as from 26th May 2008 stood as dismissed and there was no basis of receiving the party's' evidence either by Justice Emukule or by myself. It is for that reasons that I decline to write a judgment. The case stands as dismissed and I hereby set aside the proceedings of 14th July 2009 and of 19th October 2010, 19th January 2011 and 20th January 2011. I hereby discharge the injunction issued in favour of the plaintiffs in this case.

Dated, signed and delivered at Meru this 18th day of May 2011.

MARY KASANGO
JUDGE