



IN THE HIGH COURT OF KENYA

AT NAKURU

CIVIL SUIT NO. 68 OF 2009

LEAH WANGUI KIHENJO.....APPELLANT

VERSUS

ELDORET EXPRESS CO. LTD.....1st RESPONDENT

PETER OKOTH.....2ND RESPONDENT

RULING

This appeal was filed on 23rd April 2011. On 27th April 2011, the court issued a Notice to Show Cause on the appellant to show cause why the appeal cannot be dismissed for want of prosecution.

Mr. Gekong'a has filed an affidavit beseeching the court not to dismiss the appeal because it was an oversight on his part, but he has now filed the record of appeal and served. I have seen the record of appeal which was filed on 6th May 2001 after the Notice to Show Cause was issued. That is demonstration of the counsel's keeness to prosecute the appeal and Notice to Show Cause is hereby withdrawn and the Appellant is allowed to have the appeal admitted and directions taken within the next 2 months in default, court stands dismissed.

DATED and DELIVERED this 17th day of 2011.

**R. P. V. WENDOH
JUDGE**

PRESENT:

Mr. Moseti holding brief for Gekong'a for Appellant
Kennedy – Court Clerk