



**REPUBLIC OF KENYA**

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

**Civil Case 215 of 2005**

**SAMNEL INSURANCE BROKERS LTD:..... PLAINTIFF**

**VERSUS**

**SANTACK ENTERPRISES LTD & 3 OTHERS:.....DEFENDANT**

**R U L I N G**

The Third Defendant has taken out a Notice of Motion to have the plaintiff's suit dismissed for want of prosecution and for costs of the application. It is based on the ground that for over two years and five months since the suit was adjourned generally the plaintiff has taken no action whatsoever to progress it. The Application was served on all other parties herein and none has filed any opposition to it.

A perusal of the court file indicates that the matter was last in court on 6/10/2005 when under a certificate of urgency interim injunctive orders were granted to the Plaintiff. The Plaintiff has lost interest in the suit henceforth. The continued existence of this case in the court serves the sole purpose of taking up registry space.

I have considered the Application and find this a suitable suit for dismissal. The suit as against the Third Defendant is consequently dismissed with costs.

**DATED IN ELDORET THIS 27<sup>TH</sup> DAY OF JANUARY 2009**

**P.M. MWILU**

**JUDGE**

**DELIVERED IN OPEN COURT AT NAIROBI THIS 13<sup>TH</sup> DAY OF FEBRUARY, 2009.**

**J. KHAMINWA**

**JUDGE**

**IN THE PRESENCE OF:-**

.....Advocate for the Plaintiff

.....Advocate for the 1<sup>st</sup> Defendant

.....Advocate for the 2<sup>nd</sup> Defendant

.....Advocate for the 3<sup>rd</sup> Defendant