



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT KERICHO
CIVIL SUIT 34 OF 2009

ANNAH CHEPKEMOI MAINA PLAINTIFF

VERSUS

MARY CHEPKOSGEI ROP DEFENDANT

RULING

Application to reinstate one suit that was dismissed for non attendance to court

I: Background

1. During the Easter Court vacation, the applicant in this land matter had filed a certificate of urgency seeking orders of Court for an injunction to restrain the defendants from interfering with her quiet possession of Land LR. Kericho/Chemoiben/1060.
2. She went further to ask the court to compel the Land Registrar to remove a caution placed against the parcel of land.
3. On the day of application was called out namely 22nd April, 2009 the advocate was absent. The application of 21st April, 2009 was dismissed for non-attendance.
4. The applicant filed this present application dated 23rd April, 2009 seeking to reinstate the same

II: Application 23rd April, 2009

5. The explanation given by the advocate for non-attendance to Court was that it was beyond his control. He was traveling in a motor vehicle (no registration number was disclosed) that it broke down 10 kilometers from Kericho. The said breakdown caused his non-attendance to court.

III: Finding

6. This court would accept that the application was brought without any inordinate delay. That the advocate non-attendance to court on behalf of his client was beyond his control.

7. The application is accordingly granted. The orders dismissing the said application of 21st April, 2009 be set aside and reinstated for hearing.

8. The costs be in the cause.

DATED this 19th day of May, 2009 at **KERICHO**

M.A. ANG'AWA

JUDGE

Advocates

V.K. Bii advocate instructed by the firm of M/S Bii V.K. & Co. advocates

for the Plaintiff/Applicant – present

N/A for the Defendant