

**REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (NAIROBI LAW COURTS)**

Civil Suit 892 of 2000

JOSPHAT NJUGUNA KARIUKI.....PLAINTIFF

-versus-

SIMON KARICHU IRUNGU.....DEFENDANT

R U L I N G

From what has been brought to my attention during the hearing of this Chamber Summons dated 24th September 2008, the said Chamber Summons be and is hereby dismissed with no order as to costs for the following reasons:

“The application is an afterthought and therefore unduly delayed in filing as the suit was dismissed on 1st February 2005 because of the absence of the Plaintiff and the Defendant who thereafter both engaged in other applications without applying for reinstatement of the dismissed suit until this Chamber Summons was filed as late as 24th October 2008.”

Dated at Nairobi this 28th day of November 2008.

J. M. KHAMONI

JUDGE