

REPUBLIC OF KENYA

HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)

CIVIL CASE 93 OF 2003

JAMES SAMUEL KINYANJUI1ST PLAINTIFF

TORITO ROSES LIMITED 2ND PLAINTIFF

versus

STANDARD CHARTERED BANK (K) LTD. 1ST DEFENDANT

SCEM FARM MANAGEMENT LIMITED 2ND DEFENDANT

THE EASTERN AND SOUTHERN AFRICAN

TRADE AND DEVELOPMENT BANK.....3RD DEFENDANT/APPLICANT

RULING

Notice of Motion dated 7th May 2007 praying for the dismissal of the Plaintiff's suit for want of prosecution.

From what has been brought to my attention by the parties who brought also the plaint, the defence, this Notice of Motion, replying affidavit thereof and the record in the case file so far, I feel that this is a case where the Plaintiffs should be given a little more time to exhibit their keenness to prosecute this suit without further delay.

In the circumstances the 3rd Defendant's Notice of Motion dated 7th May 2007 be and is hereby dismissed.

The Plaintiffs to pay costs of this Notice of Motion to the 3rd Defendant because they caused the filing of the Notice of Motion. The 1st and 2nd Defendants each to bear own costs if any, of the Notice of Motion.

The 3rd Defendant to be at liberty to apply in case of further delay in the prosecution of this suit.

Dated this 23rd day of July 2007.

J. M. KHAMONI

JUDGE