



**REPUBLIC OF KENYA**

**HIGH COURT AT MOMBASA**

**Civil Suit 413 of 1998**

**MEHBOOB AHMED BARADIA ..... PLAINTIFF**

**- V E R S U S -**

**WAKF COMMISSIONERS OF KENYA substituted in place of the late**

**TWAHIR MOHAMED TWAHIR ..... DEFENDANT**

**RULING**

**This is an application by the defendant to dismiss this suit for want of prosecution. In the affidavit in support of the application Mr. Pandya counsel for the defendant avers that since November 2001 when an amended defence was filed the plaintiff has not fixed the case for hearing.**

I have perused the file and noted that indeed since 30<sup>th</sup> November 2001 when the amended defence was filed the plaintiff has not bothered to fix this case for hearing.

Though served with this application the plaintiff or his counsel did not file any replying affidavit or grounds of opposition or appear to oppose the application.

In the circumstances it is clear that the plaintiff is no longer interested in this case and the same is therefore hereby dismissed with costs plus the costs of this application to the defendant.

**DATED and delivered this 12<sup>th</sup> day of July 2007.**

**D.K. MARAGA**

**JUDGE**