



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

**Civil Case 1398 of 1990**

**HARRISON OKORO OCHORA ..... PLAINTIFF**

**VERSUS**

**KENYA BUS SERVICES LTD. .... DEFENDANT**

**RULING**

**I: BACKGROUND**

1. On the 4.12.88 the plaintiff/respondent herein was a passenger in a motor vehicle Reg. KUM 957 when it lost control and collided with another vehicle registration KSR 952.

2. The plaintiff/respondent sued 3 defendants on 20.3.1990. The applicant/defendant having filed defence stated that no action on this matter had been taken since 1991. In September 2001, the matter was last listed for hearing. No action to date had been taken though it was admitted prior to 2001 there had been attempts to list matters for trial.

**II: APPLICATION**

3. The defendant applicant No.1 filed this application for dismissal of the suit for want of prosecution under order 16 r 5(a) Civil procedure Rules.

4. The respondent/plaintiffs advocate having been served failed to attend to court nor filed grounds of opposition. Having so been served the application was heard under order 9b r 3(a) Civil Procedure Rules.

**III: Finding**

5. The records speaks for itself. The plaintiff has failed to diligently list this matter for hearing and or prosecute the same. I hereby allow the application as prayed.

6. This suit stands dismissed with costs to the defendant No.1 applicant. There will be no cost against plaintiff for defendant 2 and 3 as they were absent during the hearing of this application.

Dated this 23<sup>rd</sup> day of May 2006 at Nairobi.

M.A. ANG'AWA

JUDGE

Nyauchi & Co. Advocates for the plaintiff - absent

Guram & Co. Advocates for the 1<sup>st</sup> defendant – present

Pramod Patel 2<sup>nd</sup> and 3<sup>rd</sup> defendants - absent