

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

Civil Case 12 of 1995

STEPHEN WAWERU NJENGAPLAINTIFF

VERSUS

MARAGARET BEATRICE MURIGI.....DEFENDANT

RULING

The defendant by this Notice of Motion dated 11th May 2004 and expressed to be brought under Order XVI Rule 5 and Order L Rule 1 of the Civil Procedure Rules seeks orders that the plaintiffs' suit be struck out for want of prosecution and that costs be provided for.

The Application is premised on grounds that the suit was filed in 1995 and the plaintiff has not taken any steps to fix the suit down for hearing.

The application is supported by an affidavit sworn by counsel in which he avers that the plaintiff has lost interest in the suit. The plaintiff was served with this application but he did not file any papers and therefore the application is unopposed and the same is allowed in terms of Prayer 1 and 2 of the Notice of Motion dated 11th May 2004.

Dated and delivered at Nairobi this 29th day of June 2006.

J.L.A. OSIEMO

JUDGE