

REPUBLIC OF KENYA

**IN THE HIGH COURT OF KENYA
AT NYERI
Civil Suit 184 of 1982**

**TERESA WANJIRU MIGWI.....PLAINTIFF/
APPLICANT**

Versus

CHARLES JUSTUS NGENYE

JULIA WANGITHI MUTHOGA.....DEFENDANTS/RESPONDENTS

RULING

Having carefully considered what was brought to my attention during the hearing of Chamber summons dated 30th May, 2002 when Mr. Muthoni, Counsel for the Applicant told me that the applicant now wants prayer number three only and m/s Mukuha Counsel for the respondent was opposing, I find that the matter was properly and procedurally dismissed by the court in the presence of counsel on both sides when the Applicant was taking no steps to have the suit heard and determined. Thereafter the applicant seems to have accepted what happened only to have an afterthought when she saw all the consequences of failing to prosecute her suit. A case of 1982 where the plaintiff perhaps thought that all one needed to do was for one to file a suit and thereafter go and sleep for once one has engaged an advocate, nothing bad will happen against one.

It is all right to come up again using a different advocate but the faults you allege against your previous advocate ought to be commented upon by that advocate for this court to know where the truth is found to-day twenty four years after the suit was filed.

The Chamber Summons is hereby dismissed with costs to the Respondent.

Dated this 15th day of June, 2006.

J. M. KHAMONI

JUDGE