

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

Civil Case 517 of 2001

**ALBERT KATHIGA NJERU.....
.....PLAINTIFF**

VERSUS

**HOUSING FINANCE COMPANY OF KENYA
LIMITED.....DEFENDANT**

RULING

The last activity in this matter was on 26th March 2004 when this matter was mentioned.

The plaintiff has taken no action of this suit since then and even prior to that the suit had been fixed for hearing in October 2002, when the suit was stood over generally.

The defendant by Notice of Motion dated 29th May 2006 seeks for dismissal of the plaintiff's suit for want of prosecution. Although plaintiffs counsel was served he did not attend court to object.

The defendants application falls within the provisions of Order 16 Rule 5 and is indeed deserving.

The court grants the following orders:

- (1) This suit is dismissed for want of prosecution and the costs of the suit are awarded to the defendant.**
- (2) The defendant is awarded costs of the Notice of Motion dated 29th May 2006.**

MARY KASANGO

JUDGE

Dated and delivered this 14th July 2006.

MARY KASANGO

JUDGE