

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT KAKAMEGA
CIVIL CASE 126 OF 1997

ZABLON LIBEA ZEBETIPLAINTIFF

V E R S U S

LA SOURCE DEVELOPMENTDEFENDANT

R U L I N G

On 23.2.2000, this court ordered the Applicant to deposit Shs.150,000 as security for costs following an application made for that purpose on 20th September, 1999 by the Plaintiff. On 11.5.2000, the applicant applied for more time to furnish the security. The application remained un-prosecuted from 2000 to 2004 when it was dismissed on 23.3.2004 because the Applicant did not attend court to prosecute it. The Applicant then proceeded to file on 19.4.04 the present Notice of Motion dated 15.4.2004 seeking to review the court order made on 23.2.2004.

First, the formal order made on 23.2.2000 does not appear to have been extracted and was not been attached to the application. Secondly, the delay in applying for review has been extremely inordinate. Thirdly, the affidavit in support of the application does not disclose as required by rule 1 of Order 44 any of the grounds therein set out including sufficient reason/cause.

I find no merit in the application. It is hereby dismissed with costs.

Dated at Kakamega this 28th day of October, 2005.

G. B. M. KARIUKI

J U D G E