

REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI
CIVIL CASE NO. 1641 OF 2000

BLUE SHIELD INSURANCE CO. LTD..... PLAINTIFF
VERSUS
ELECTRONIC INFORTECH AND SERVICES
LIMITED AND 16 OTHERS..... DEFENDANTS

RULING

This Ruling relates to an application made by way of a Notice of Motion brought by the 1st, 2nd, 15th and 16th Defendants seeking orders of this Court to dismiss the suit for want of prosecution as well as costs. The same is supposed by the affidavit of Wilbert Kipsang Choge in which he depones that the Plaintiffs have not taken any steps to prosecute the suit since the 5th December 2001. It is clear from the record that this matter was last taken out of the call over on 25th June 2002 and on 8th July 2002 dates were taken for the hearing of the same on 17th and 18th December 2002. There is no record as to what happened on the said dates and no further steps were taken towards prosecuting the same.

The present application was served upon the Plaintiffs but no reply has been filed. The Plaintiff/Respondents Respondent did not attend Court at the hearing of the same. It is clearly evident from the facts of this case that the Plaintiff has no interest in prosecuting this suit since even after being awakened by this application they have chosen to do nothing. I have no option and order that the orders sought therein be granted as prayed with costs to the 1st 2nd, 15th and 16th Defendants.

Dated and Delivered at Nairobi this 10th day of December 2004.

M.G. Mugo
Judge

In the pres ence of A.I. Onyango present for the 1 st, 2nd, 15th and 16 th Defendants/Applicants
N/A for the other Plaintiff/Applicants