



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT MOMBASA**  
**CIVIL CASE NO. 44 OF 1999**

NANCY WANJIRU NGANGA .....APPLICANT  
VERSUS  
THE STANDARD LTD  
BETTING CONTROL LICENSING BOARD ..... DEFENDANTS

**RULING**

This is an application by defendant under O XVI r 5 (a) of the Civil Procedure Rules and S. 3 A of the Civil Procedure Act for orders that Plaintiff's suit herein be dismissed for want of prosecution. The supporting affidavit by Wamuti Ndegwa sworn on 6th February 2001 states that the plaintiff has never taken any steps to fix the matter for hearing since the filing of the defence on 3/3/1999, but in a replying affidavit by Nancy Wanjiru Nganga sworn on 25/6/2001 states that the delay was due to his wish to effect an amendment and more that the court was clogged with too many cases and would not expedite his application if any.

I have read the affidavits as indeed I should and it is clear the delay to move this case on the part of plaintiff has not been on account of sufficient cause and I therefore uphold the application and order that the plaintiff's case be and is hereby dismissed for lack of prosecution. Cost of the case and of this application to the applicant.

Delivered this 31st day of May 2002.

**A. I. HAYANGA**

**JUDGE**

Read to Mr. Gichana for plaintiff.

Mr. Ndegwa for the defendant.

**A. I HAYANGA**

**JUDGE**

**31/5/2002**