

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI

HIGH COURT CIVIL CASE NO. 3404 OF 1982

PAUL SITIENEI & 13 OTHERSPLAINTIFFS

- V E R S U S -

JOHN KIBEIGO & 5 OTHERSDEFENDANTS

R U L I N G

This suit was filed by the Plaintiffs on 9th October, 1982. It was last in this court on 3rd October, 1997. No step has been taken by the parties to set it down for hearing since then. On an application to have it dismissed for want of prosecution by the 5th and 6th Defendants, Mr. Mararo for the Plaintiffs argued that the delay had been caused by the Plaintiff's inability to attend at his firm's office. He said that his clients were people of humble means who are unable to travel to Nairobi from Eldoret where they live.

With all due respect, that is irrelevant. They filed this suit and if they cannot prosecute it, they cannot be allowed to have the Defendants live perpetually in fear of the outcome of that suit. That is unfair and cannot be allowed by this court.

I, therefore, allow the 5th and 6th Defendant's application dated 30th October, 2000 with costs to them.

DATED and DELIVERED at NAIROBI this 23rd day of May, 2001.

ALNASHIR VISRAM

JUDGE.