



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT MOMBASA**

**CIVIL SUIT NO. 331 OF 1999**

**GUNTER HANS SCHUCKER.....PLAINTIFF**

**=VERSUS=**

**HAMID FAHED EL-DARAZI..... DEFENDANT**

**RULING**

I am not inclined to grant the adjournment. The suit was set down by the plaintiff himself on 20th December, 2000 and the defendant was served with hearing Notice. By consent of both parties it was confirmed for hearing at the call over on 15th June, 2001. No reasons have been given for the absence of the plaintiff except that he is in Germany. That is not satisfactory. I reject the application. Hearing to proceed.

**Plaintiffs Case**

I have no evidence to call.

**Gikandi**

Dismiss the suit with cost.

**Order**

In the absence of any evidence from the plaintiff, the suit is dismissed with costs to the defendant.

**Dated this 11th day of July, 2001.**

**P. N. WAKI**

**JUDGE**