

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
CIVIL CASE NO. 2670 OF 1998

MARGARET W. WARIMA.....PLAINTIFF/RESPONDENT

VERSUS

PHYLLIS W. THEUIRU.....1ST DEFENDANT/APPLICANT

HEZRON NDIRANGU.....2ND DEFENDANT/APPLICANT

NAIROBI CITY CITY COUNCIL.....3RD DEFENDANT/APPLICANT

RULING

On 14-12-99 the Court was moved to dismiss the suit for want of prosecution. As a result I dismissed the suit. The plaintiff has now come asking the court to review its orders with Mr. Muhindi for the applicant seeking to persuade the court that it was the mistake of the advocate for the plaintiff who failed to turn up in court. The advocate went on leave.

He further argued that many of the steps necessary before setting down a suit for hearing had not been completed and so it was premature for the Defendant to have asked the case to be dismissed.

In the greater interest of Justice I will review my order of 14.12.99. the said order is hereby set aside and the suit is reinstated.

The plaintiff will however pay the costs occasioned by this application and these costs shall be paid before the case is heard.

Dated and delivered this 14th day of March, 2000.

KASANGA MULWA

JUDGE