



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**MISC. CIVIL APPLICATION NO. 362 OF 1997**

**DAVID MWENJE & 28 OTHERS.....PLAINTIFFS**

**-VERSUS**

**THE SENIOR PRINCIPAL MAGISTRATE, MAKADRA.....DEFENDANT**

**RULING**

This application by way of a Chamber Summons dated the 18th September, 2000 is asking for an order to dismiss the Notice of Motion filed on 20th April, 1999. The reason for asking for the dismissal is that since the application was filed on 20.4.99 the applicants have not taken steps to prosecute it. The application has the effect of blocking the hearing cases in the Resident Magistrates Court.

It is now over 15 months since the application was filed. I accept the concern expressed by Mr. Njiru in his submission over the delay in prosecuting the application, which shows clearly that the applicants are no longer interested in the application.

This application is allowed as prayed for in prayer No. 2 of the Chamber Summons dated 18th September, 2000 and filed on the same day. The Respondents shall pay the costs of this application. Dated and delivered this 28th day of September, 2000.

**KASANGA MULWA  
JUDGE**