



Gichuhi & another v Progressive Credit Limited & another (Civil Suit E032 of 2023) [2025] KEHC 11554 (KLR) (11 July 2025) (Ruling)

Neutral citation: [2025] KEHC 11554 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
CIVIL SUIT E032 OF 2023
DO CHEPKWONY, J
JULY 11, 2025**

BETWEEN

GRACE WANGUI GICHUHI 1ST APPLICANT

WILSON GICHUHI KIMANI 2ND APPLICANT

AND

PROGRESSIVE CREDIT LIMITED 1ST RESPONDENT

RISING SUN AUCTIONEERS 2ND RESPONDENT

RULING

1. This case came up before court for parties to Notice to Show cause why the suit should not be dismissed for want of prosecution. According to Mr. Munene, the Plaintiffs and their counsel have not been in attendance in court since 6th November, 2024 and neither have they complied with Order 11 of the Civil Procedure Rules as directed vide the ruling delivered on 20th June, 2024. In view of this, the Defendants' Counsel has sought that the court dismisses the suit for want of prosecution.
2. Upon listening to counsel for the Defendant, I have perused the court record and confirm that the last time the Plaintiff's Counsel was in court was on 23rd January, 2024. Since then, neither the Applicants/Plaintiffs nor their counsel have attended court, not even during delivery of the ruling on 26th June, 2024. This also applies to the date of 6th August, 2024, 29th August, 2024, 11th September, 2024, 6th November, 2024, 4th December, 2024, 10th February, 2025, 14th May, 2025 and 12th June, 2025 when the matter has been cause-listed for mention before court and Notices served accordingly upon the Applicants/Plaintiffs' counsel. It is also noted that the Plaintiffs/Applicants are yet to comply with Order 11 of the Civil Procedure Rules.
3. It is therefore clear that the Applicants/Plaintiffs are no longer keen on prosecuting the suit. For this reason, the court finds it necessary to unclog the court system of backlog and proceeds to dismiss the



suit for want of prosecution as provided for under Order 17 Rule 2 of the Civil Procedure Rules with costs to the Respondents.

It is so ordered.

RULING DATED AND SIGNED AT KIAMBU THIS 11TH DAY OF JULY 2025. (UPLOADED VIA ELECTRONIC MAIL)

D. O. CHEPKWONY

JUDGE

