



**Simba v National Cereals and Produce Board & another (Civil Appeal  
78 of 2017) [2024] KEHC 411 (KLR) (23 January 2024) (Ruling)**

Neutral citation: [2024] KEHC 411 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
CIVIL APPEAL 78 OF 2017  
RE ABURILI, J  
JANUARY 23, 2024**

**BETWEEN**

**CHARLES SIMBA ..... APPELLANT**

**AND**

**NATIONAL CEREALS AND PRODUCE BOARD ..... 1<sup>ST</sup> RESPONDENT**

**HON. ATTORNEY GENERAL ..... 2<sup>ND</sup> RESPONDENT**

**RULING**

1. The appellant's counsel was served via email on December 6, 2023. Since this file was transferred to this court vide Ruling of March 4, 2020 and the file availed on March 22, 2020, the Appellant has never taken steps to move the court to have the appeal heard and determined hence the Notice to Show Cause issued on December 1, 2023 and served on December 6, 2023.
2. For want of cause to show why the appeal herein cannot be dismissed for want of prosecution, this appeal is hereby dismissed for want of prosecution with no orders as to costs and the file is hereby closed.
3. The lower court file to be returned forthwith.
4. Ruling to be typed.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 23<sup>RD</sup> DAY OF JANUARY, 2024**

**R. E. ABURILI**

**JUDGE**

