



Kensalt Limited & 2 others v Opingo & 6 others (Civil Case E004 of 2021) [2024] KEHC 4679 (KLR) (16 April 2024) (Ruling)

Neutral citation: [2024] KEHC 4679 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CIVIL CASE E004 OF 2021
RE ABURILI, J
APRIL 16, 2024**

BETWEEN

**KENSALT LIMITED 1ST PLAINTIFF
NTULELE ESTATE LIMITED 2ND PLAINTIFF
EQUATORIAL COMMERCIAL BANK LIMITED 3RD PLAINTIFF**

AND

**CAROLINE OPINGO 1ST DEFENDANT
PAUL OTIENO CALEB 2ND DEFENDANT
ANTONY IDI INDAKO 3RD DEFENDANT
BUSIA SUGAR INDUSTRY LIMITED 4TH DEFENDANT
FELIX APOLOO OWUOR T/A VICTORIA BLUE SERVICES .. 5TH DEFENDANT
BUSIA OUTGROWERS COMPANY LIMITED 6TH DEFENDANT
NATIONAL TRANSPORT AND SAFETY AUTHORITY 7TH DEFENDANT**

RULING

1. I have considered the application dated 18th March 2023. It seeks for orders dismissing the suit herein for want of prosecution. The application is not opposed. However, the application calls on the discretion of the court to reinstate a dismissed suit.
2. I exercise discretion and set aside the order of 18th September 2023 dismissing the suit for want of prosecution and reinstate the suit for hearing on merit.
3. I make no orders as to costs.



4. Mention interpartes on 10th May 2024.

5. The Plaintiff to serve the Defendants with Notice for directions.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 16TH DAY OF APRIL, 2024

R. E. ABURILI

JUDGE

