



**Kisyula & 2 others v Chief Magistrate Court, Kiambu & 4 others; Nzyka & another (Interested Parties) (Judicial Review E005 of 2021) [2024] KEHC 6130 (KLR) (14 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 6130 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIAMBU  
JUDICIAL REVIEW E005 OF 2021  
DO CHEPKWONY, J  
MAY 14, 2024**

**BETWEEN**

**ALPHOSE MUTETI KISYULA ..... 1<sup>ST</sup> APPLICANT  
JOSHUA MUTETI KILONZO ..... 2<sup>ND</sup> APPLICANT  
BENERD MASINGA MALUKI ..... 3<sup>RD</sup> APPLICANT**

**AND**

**CHIEF MAGISTRATE COURT, KIAMBU ..... 1<sup>ST</sup> RESPONDENT  
HON ATTORNEY GENERAL OF KENYA ..... 2<sup>ND</sup> RESPONDENT  
DIRECTOR OF PUBLIC PROSECUTION ..... 3<sup>RD</sup> RESPONDENT  
NATIONAL POLICE SERVICE ..... 4<sup>TH</sup> RESPONDENT  
DIRECTOR OF CRIMINAL INVESTIGATION OFFICE ..... 5<sup>TH</sup> RESPONDENT**

**AND**

**SERAH NZEMBI NZYKA ..... INTERESTED PARTY  
BENERD MASINGA MALUKI ..... INTERESTED PARTY**

**RULING**

1. This matter is for mention for parties to show cause why the suit should not be dismissed for want of prosecution, a Notice to Show Cause having issued on 26<sup>th</sup> October, 2023, Neither party nor their counsel are in attendance. There is even no representation to explain their absence despite the matter having been cause-listed for mention today.



2. I have perused the record and established that there has been no activity on the file since 16<sup>th</sup> March, 2022 when the application dated 3<sup>rd</sup> August, 2021 came up for hearing but there was no appearance by either party. There is no explanation for failure to have the same prosecuted.
3. There being no appearance by either party and or their counsel and there being no explanation for non-prosecution of the matter, the suit be and is hereby dismissed for want of prosecution as provided for under Order 17 Rule 2 of the *Civil Procedure Rules*.

It is so ordered.

**RULING DATED AND SIGNED AT KIAMBU THIS 14<sup>TH</sup> DAY OF \_\_\_ ...MAY....\_\_\_, 2024.**

**D. O. CHEPKWONY**

**JUDGE**

In the presence of:

No appearance for and by either parties

Court Assistant - Martin

