



**Lumumba & Lumumba Advocates v Africa Merchant Assurance Company
(Civil Case 174 of 2019) [2024] KEHC 6104 (KLR) (14 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 6104 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
CIVIL CASE 174 OF 2019
DO CHEPKWONY, J
MAY 14, 2024**

BETWEEN

LUMUMBA & LUMUMBA ADVOCATES APPLICANT

AND

AFRICA MERCHANT ASSURANCE COMPANY RESPONDENT

RULING

1. This matter is scheduled for mention for parties to show cause why the suit should not be dismissed for want of prosecution, a Notice to Show Cause having been issued on 25th July, 2023, 24th October, 2023 and 6th February, 2024 respectively. Neither party nor their respective 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 9th September, 2021 when a Notice of Motion application dated 4th September, 2021 was scheduled for fixing of a hearing date in the Registry by the court. The matter was then fixed for hearing on 25th July, 2023 but on this day, there was no attendance by either party and or their respective counsel.
3. There being no appearance by the parties and in their counsel and there being no explanation as to their failing to have the application prosecuted, I find the parties have lost interest in the case. A result of which the suit is dismissed for want of prosecution as per the provision of Order 17 Rule 2 of the [Civil Procedure Rules](#).

It is so ordered.

RULING DATED AND SIGNED AT KIAMBU THIS 14TH DAY OF MAY 2024.

D. O. CHEPKWONY

JUDGE



In the presence of:

No appearance for and by either parties

Court Assistant - Martin

