



REPUBLIC OF KENYA



Invesco Assurance Company Limited v Nyatongo & another (Miscellaneous Civil Application 97 of 2003) [2024] KEHC 6658 (KLR) (3 June 2024) (Ruling)

Neutral citation: [2024] KEHC 6658 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CIVIL APPLICATION 97 OF 2003
RE ABURILI, J
JUNE 3, 2024**

BETWEEN

INVESCO ASSURANCE COMPANY LIMITED APPLICANT

AND

ISAAC ONYANGO NYATONGO 1ST RESPONDENT

ATTORNEY GENERAL 2ND RESPONDENT

RULING

1. This matter was filed on 28th April 2003. The Applicant sought for leave of court to apply for Judicial Review orders of *Certiorari* and *Mandamus* in a matter involving a dispute over land parcels Nos. 1941, 1942, 1944 Koguta.
2. The application was dismissed with costs on 17th June 2003 by Tanui J for non-attendance to prosecute.
3. The file however remained open.
4. On 13th May 2004, the matter was stood over by the Deputy Registrar on costs to be taxed.
5. Since it is now over 20 years past the last order, this suit is now stale by operation of the law as the costs cannot be recovered.
6. The file is hereby closed for archiving.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 3RD DAY OF JUNE, 2024

R. E. ABURILI

JUDGE

