



**Kamenwa & another v Mogaka & another (Miscellaneous Application  
207 of 2023) [2024] KEHC 6736 (KLR) (10 June 2024) (Ruling)**

Neutral citation: [2024] KEHC 6736 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAKURU  
MISCELLANEOUS APPLICATION 207 OF 2023  
PN GICHOHI & PN GICHOHI, JJ  
JUNE 10, 2024**

**BETWEEN**

**STEPHEN NJOROGE KAMENWA ..... 1<sup>ST</sup> APPLICANT**

**JOSEPHINE NYABOKE MOGAKA ..... 2<sup>ND</sup> APPLICANT**

**AND**

**JOSEPHINE NYABOKE MOGAKA ..... 1<sup>ST</sup> RESPONDENT**

**HUOKA HAKALE OKIA HALISA ..... 2<sup>ND</sup> RESPONDENT**

**RULING**

1. This matter has come severally before court since directions were given by High Court on 15/06/2023 in regard to the application dated 12/5/2023. It was to be served for interpartes hearing on 11/7/2023.
2. The matter had been brought under certificate of urgency.
3. There was no evidence of service as directed and there was no response filed.
4. There was no attendance on 11/7/2023, 4/12/2023, 19/2/2024 and 6/5/2024 prompting this court to issue Notice to parties under Section 1A and 1B of Civil Procedure Act to show cause on 10/6/2024 as to why this application should not be marked as abandoned and file closed.
5. Parties did not attend court today either.
6. In the circumstances this court takes it that the Applicant has lost interest in the matter.
7. Under section 1A and 1B of the *Civil Procedure Act*, application dated May 12, 2023 be and is hereby marked as abandoned.
8. The file is also marked as closed.

**DATED, SIGNED AND DELIVERED AT NAKURU THIS 10<sup>TH</sup> DAY OF JUNE, 2024.**



**PATRICIA GICHOHI**

**JUDGE**

In the presence of:

N/A for parties.

Ruto - Court Assistant.

