



**Nyasani v Maina & another (Judicial Review 1 of 2019)  
[2024] KEHC 12540 (KLR) (17 October 2024) (Ruling)**

Neutral citation: [2024] KEHC 12540 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIAMBU  
JUDICIAL REVIEW 1 OF 2019  
DO CHEPKWONY, J  
OCTOBER 17, 2024**

**BETWEEN**

**EVANSON NYAMORONGE NYASANI ..... APPLICANT**

**AND**

**FREDRICK KARIUKI MAINA ..... 1<sup>ST</sup> RESPONDENT**

**THE CHIEF MAGISTRATE COURT AT THIKA ..... 2<sup>ND</sup> RESPONDENT**

**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 (NTSC) having issued upon the parties on 30<sup>th</sup> October, 2023, 22<sup>nd</sup> February, 2024, and 9<sup>th</sup> July, 2024 respectively. Neither party and nor their counsel are in attendance. They have not even filed a response to the said Notice or sent representation to explain their absence.
2. I have perused the record and established that the last time parties attended court for any action was on 18<sup>th</sup> October, 2021, which is a period of three (3) years. This is a clear indication that the parties lost interest in having the matter prosecuted.
3. In the circumstances, this Court finds it prudent to unclog the court's system with such unnecessary backlog and proceeds to order the suit dismissed for want of prosecution as provided for under Order 17 Rule 2(1) of the *Civil Procedure Rules*.

It is so ordered.

**RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT KIAMBU THIS 17<sup>TH</sup> DAY OF OCTOBER, 2024.**

**D. O. CHEPKWONY**



**JUDGE**

In the presence of:

No appearance for and by either party

Court Assistant - Sanja

