



REPUBLIC OF KENYA



**Commercial Bank of Africa Ltd v Wangongu & Waiyaki (Commercial Case E052 of 2018)
[2023] KEHC 19086 (KLR) (Commercial and Tax) (19 June 2023) (Ruling)**

Neutral citation: [2023] KEHC 19086 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI COMMERCIAL COURTS)
COMMERCIAL AND TAX
COMMERCIAL CASE E052 OF 2018
JWW MONG'ARE, J
JUNE 19, 2023**

BETWEEN

COMMERCIAL BANK OF AFRICA LTD PLAINTIFF

AND

MBOYA WANGONGU & WAIYAKI DEFENDANT

RULING

1. I have considered the submissions by the parties on the application dated 2/3/2022 for reinstatement of the suit that was dismissed pursuant to a Notice to Show Cause issued by the court. I have noted the explanation by Counsel for the plaintiff as to the reason why no party appeared before the court on the said date. I have also noted the submissions in opposition to the said application and note that no prejudice will be suffered by the defendant if the suit is reinstated as per the plaintiff's application. The application for reinstatement is allowed with no orders as to costs. Mention on 20/9/2023.

DATED, SIGNED AND DELIVERED VIRTUALLY AT NAIROBI THIS 19TH DAY OF JUNE 2023

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J. W. W. MONGARE

JUDGE

In the presence of:-

1. Mr. Ondieki for the Plaintiff
2. Wakhisi for Wanjiru for the Defendant.
3. Sylvia- Court Assistant

