



REPUBLIC OF KENYA



**Xiaolong v Smarthomes Investment Company Ltd & 2 others (Commercial Case E137 of 2024)
[2024] KEHC 12114 (KLR) (Commercial & Admiralty) (3 October 2024) (Ruling)**

Neutral citation: [2024] KEHC 12114 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
COMMERCIAL AND ADMIRALTY
COMMERCIAL CASE E137 OF 2024
RC RUTTO, J
OCTOBER 3, 2024**

BETWEEN

DENG XIAOLONG PLAINTIFF

AND

SMARTHOMES INVESTMENT COMPANY LTD 1ST DEFENDANT

WU HONGJING 2ND DEFENDANT

QU JINGJING 3RD DEFENDANT

RULING

1. The hearing date was fixed in court on the 14/8/2024 in the presence of m/s Wangui – counsel for the plaintiff. On this day the court also directed that the matter be heard during the RRI period.
2. Therefore, it cannot be said that counsel and/or parties were not aware of today’s hearing date. I also take note that I have indulged the parties, in that when I called out the matter at 9.00am, I placed it aside to allow time for the parties to log into court. Later at 10.00am, they had still not log in.
3. This action demonstrates that they are not ready to proceed with their matter and consequently in line with Order 17 of the Civil Procedure Code, I do proceed to dismiss this suit for non-attendance.

Orders accordingly.

RHODA RUTTO

JUDGE

DELIVERED, DATED AND SIGNED ON 3RD THIS DAY OF OCTOBER 2024 AT NAIROBI

