



REPUBLIC OF KENYA



**Ndirangu v Mwaura & another (Civil Appeal E408 of 2023)
[2024] KEHC 13721 (KLR) (4 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 13721 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
CIVIL APPEAL E408 OF 2023
DO CHEPKWONY, J
NOVEMBER 4, 2024**

BETWEEN

MERCY NJERI NDIRANGU APPELLANT

AND

GRACE WAMBUI MWaura 1ST RESPONDENT

CITY STAR SHUTTLE LIMITED 2ND RESPONDENT

RULING

1. This matter is for mention for parties to show cause why the suit should not be dismissed for want of prosecution.
2. Counsel for the Respondent, M/S Wamuyu has attended court and confirm that the Appellant has not shown any interest in having the appeal prosecuted. She has supported the court in having the appeal dismissed for want of prosecution. The Notice to Show Cause was issued after the court noted that since the institution of this appeal, the Appellant’s counsel has only attended court once on 15th May, 2024 when on counsel’s application, the court granted him leave to file a formal application to cease acting for the Appellant.
3. It is worth-noting that counsel has never filed the said application and the Appellant has never attended court or taken any action to prosecute her appeal since November, 2023 which is a clear indication that she has lost interest in the matter.
4. This court therefore proceeds to unclog its system of backlog and dismisses the appeal for want of prosecution as provided for under Order 42 Rule 35(2) of the Civil Procedure Rules.

It is so ordered.

RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT KIAMBU THIS 4TH DAY OF NOVEMBER, 2024.



D. O. CHEPKWONY

JUDGE

In the presence of:-

No appearance for and by the Appellant

M/S Wamuyu counsel for the 1st Respondent

Court Assistant - Martin

