

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

CIVIL APPEAL NO. 20 OF 2019

CONCELIA ONDIEK.....APPELLANT

VERSUS

GRACE ACHIENG OTIENO.....1ST RESPONDENT

WYCLIFFE OTIENO.....2ND RESPONDENT

(An Appeal arising from RULING delivered on 27.05.2019 in Siaya PM's Court Civil Suit No. 56 of 2019 by Hon. J.O. Ong'ondo, Principal Magistrate)

RULING

1. All parties were served with Notice of dismissal of this appeal under Order 17 Rule 2 of the Civil Procedure Rules. Only the 1st and 2nd Respondents' counsel is present.
2. The last time the appeal was active was on 10/6/2019 and on 9/7/2019 the appeal was admitted to hearing.
3. The Appellant has never taken any steps to ready the appeal for hearing. No record of appeal is filed and served. In addition, since dismissal of an application for mandatory injunction on 1/7/2019, the appellant went to slumber.
4. This court cannot archive proceedings forever. Whoever comes before this court must be prepared to prosecute their cause.
5. For want of Prosecution of this appeal which was filed on 3/3/2019, this appeal be and is hereby dismissed for want of prosecution under Order 17 Rule 2 of the Civil Procedure Rules.
6. Each party to bear their own costs of this appeal as dismissed, considering the nature of the dispute being a burial dispute.
7. This file is closed.
8. Proceedings to be typed up to date.
9. Orders accordingly.

Dated, signed and Delivered at Siaya this 3rd Day of March, 2021

R.E. ABURILI

JUDGE