



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT SIAYA**

**CIVIL APPEAL NO. 12 OF 2017**

**WYCLIFFE MATHEWS.....APPELLANT**

**VERSUS**

**WILLIAM OCHIENG OLOO.....RESPONDENT**

*(Appeal from the Judgment and Decree of Ukwala PMCC No. 30 of 2015 delivered on the 21<sup>st</sup> July, 2017 before S.R.M. Ukwala)*

**RULING**

1. On the 24.9.2018 the appellant was directed to file and serve a record of appeal within 14 days of the order. They were served with the order for mention on 21.1.2019 and they attended, requesting the court to grant them until today to confirm filing and service of record of appeal. To date no record of appeal has been filed and served yet the trial court record and the proceedings of the lower court have been availed before this court since 18.8.2018.
2. Today the appellant's Counsel who took today's date is absent and albeit they were directed to serve the Respondent with a Notice, there is no evidence of service.
3. The Court was to direct on the mode of disposal of the appeal. As the appellant has failed to comply with court orders to compile, file and serve a record of appeal within stipulated timelines to enable the court proceed to direct on the disposal of the appeal, having been notified to so comply on several occasions, I have no option but to dismiss this appeal for want of prosecution.
4. Accordingly, this appeal is hereby dismissed for want of prosecution with no orders as to costs. File closed.
5. Orders accordingly.

**Dated, Signed and Delivered at Siaya this 19<sup>th</sup> day of February, 2019**

**R.E. ABURILI**

**JUDGE**