

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KAKAMEGA

MISCELLANEOUS CIVIL APPLICATION NO. 40 OF 2006

IRENE KUTSUSHI.....1ST APPLICANT

WILLIAM KADIMA.....2ND APPLICANT

JOSEPH MUDENYO.....3RD APPLICANT

VERSUS

HERMAN MULAMA MUDENYO.....1ST RESPONDENT

JOSEPH SHITAWA MUDENYO.....2ND RESPONDENT

RULING

1. The applicants moved the court by a Motion dated 11th March 2015, seeking dismissal of this cause for want of prosecution.
2. The application was filed in 2015 and since then the respondent made no effort to have their summons for revocation of grant dated 30th March 2006 prosecuted.
3. I agree with the applicants, there is want of prosecution. The summons dated 30th March 2006 has never been prosecuted since the date of its filing in 2006. It is hereby dismissed for want of prosecution. The applicants to the Motion dated 11th March 2015 shall have the costs.
4. The trial court file in Butere PMSC No. 100 of 2003 shall be returned to the Butere registry for finalisation. The High Court file shall be closed.

DATED, SIGNED and DELIVERED at KAKAMEGA this 15th DAY OF November, 2019.

W. MUSYOKA

JUDGE