



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI LAW COURTS
COMMERCIAL & ADMIRALTY DIVISION
MISC CAUSE NO. 462 OF 2011

SALAMA MAHMOUD SAAD.....PLAINTIFF

-VERSUS-

KIKAS INVESTMENTS LIMITED.....1ST DEFENDANT

ABDILLAHI ABDI.....2ND DEFENDANT

RULING

1. A notice to show cause was issued in this case by the Deputy Registrar of this Court for the Plaintiff, ***Salama Mahmoud Saad***, to show cause why this suit should not be dismissed for want of prosecution.
2. This case was filed in the year **2011**. Parties engaged the court, initially, in entertaining interlocutory application. The court issued orders requiring the 2nd defendant, ***Abdillahi Abdi***, to allow inspection into the affairs of the 1st defendant company.
3. Although it is not clear from the court record, it does seem that the matter was referred for Mediation but a settlement was not reached.
4. On **1st March 2018** the plaintiff’s counsel informed the court that mediation had failed to resolve the dispute.
5. From the above it becomes clear that the issuance of the notice to show cause was premature, since a year has not lapsed since the last action in this matter.
6. It is for that reason that ***Notice to Show Cause*** dated **19th November 2018** is expunged from the record. The plaintiff is however directed to prosecute this matter and in that record parties need to comply with Case Management Conference (CMC).
7. In the end, at the reading of this Ruling a date for CMC will be given to the parties.

DATED, SIGNED and DELIVERED at NAIROBI this 6th day of December, 2018.

MARY KASANGO

JUDGE

Ruling read and delivered in open court in the presence of:

Court Assistant.....Sophie

..... for the Plaintiff

..... for the Defendants

MARY KASANGO

JUDGE