



**REPUBLIC OF KENYA**

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

**CHUKA ELC CASE NO 33 OF 2017**

**FORMRLY MERU ELC CASE NO.8 OF 2014**

**GILBERT KATHENYA.....PLAINTIFF**

**VERSUS**

**EVANGELINE KANYUA MWIANDI (being sued as the administratrix of the  
estate of MWIANDI KAIMBIRU (DECEASED).....DEFENDANT**

**RULING**

1. This matter came up today for parties to show cause why the suit should not be dismissed for want of prosecution in terms of order 17 rule 2(1) of the Civil Procedure Rules.
2. I find that the apposite notice had been properly issued.
3. The plaintiff has failed to come to court to show cause why this suit should not be dismissed.
4. The defendant has supported dismissal of the suit with costs.
5. The parties have not shown to the satisfaction of the court why this suit should NOT be dismissed.
6. This suit is dismissed.
7. Costs are awarded to the defendant.
8. It is so ordered.

Delivered in open court at Chuka this 21<sup>st</sup> day of February, 2017 in the presence of :

CA: Ndegwa

D.J. Mbaya for the Defendant

Plaintiff or Advocate Absent

**P. M. NJOROGE**

**JUDGE**