



**REPUBLIC OF KENYA**

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

**CHUKA ELC CASE NO 82 OF 2017**

**FORMERLY MERU ELC CASE NO.15 OF 2013**

**JAMES MURITHI KABETE.....PLAINTIFF**

**VERSUS**

**JOHN KANYARU CHABARI.....DEFENDANT**

**RULING**

1. Parties were to come to court to show cause why their suit should not be dismissed for want of prosecution in terms of order 17 rule 2 (1) of the Civil Procedure Rules.
2. Mr. Murango Mwenda for the plaintiff was present but the defendant was absent.
3. Mr. Mwenda explained to the court that after the defendant failed to enter an appearance and filed a defence, the plaintiff had an Interlocutory Judgment entered against the defendant way back on 27<sup>th</sup> June, 2013. He explained that due to congestion at Meru, he was unable to obtain a date for formal proof at the Registry. He told the court that as recently as on 21.10.2016 he wrote to the DR, Meru, seeking a date for formal proof hearing.
4. I find that the plaintiff has shown cause to the satisfaction of the court that the suit should **NOT** be dismissed.
5. This suit is **NOT** dismissed.
6. Formal proof proceedings to take place ON 27.2.2017 AT 11.00 am.
7. It is so ordered.

Delivered in open court at Chuka this 22<sup>nd</sup> day of February, 2017 in the presence of:

CA: Ndegwa

Murango Mwenda for the plaintiff

**P.M. NJOROGE**

**JUDGE**