

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT CHUKA

ELC CASE NO. 43 OF 2017

FORMERLY MERU HCCC NO. 99 OF 2014

KEREA MUTINDA M'MUTHAMIA.....1ST APPLICANT/PLAINTIFF

STEPHEN RUURI M'MUTHAMIA.....2ND APPLICANT/PLAINTIFF

VERSUS

JOSEPH KANYURU M'MUTHAMIA.....RESPONDENT/DEFENDANT

RULING

1. Notice was duly issued for the parties to come to court 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. Cause was to be shown on 15.2.2017. Whereas Mr David Gichuki, advocate, held brief for Miss Kiome, the plaintiff's advocate, the defendant was not in court even though there was evidence that he had been properly served with the apposite hearing date.
3. Mr Ndegwa, for Miss Kiome, for the plaintiff, told the court that the parties had settled the matter at home and wished the suit to be marked as settled with no order as to costs.
4. As the defendant is not in court, I decline to mark the suit as settled.
5. I find that no cause has been shown to the satisfaction of the court that this suit should not be dismissed.
6. This suit is dismissed.

Delivered in open court at Chuka this 15th day of February, 2017 in the presence of:

CA: Ndegwa

David Gichuki holding brief for M/S Kiome for the plaintiff

Defendant – absent

P. M. NJOROGE

JUDGE