



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MERU**  
**CIVIL SUIT NO. 63 OF 2011**

BEATRICE KANJIRU NJUURI .....PLAINTIFF

VERSUS

ASHFORD KBURU RUUCHA.....1ST DEFENDANT

FRED MATHIU NCHAIRE.....2ND DEFENDANT

LAND REGISTRAR MERU.....3ND DEFENDANT

**R U L I N G**

This application is dated 21st January, 2011 and seeks orders:-

1. ***THAT the plaintiff's suit herein be dismissed with costs for want of prosecution.***
2. ***THAT the 1st and 2nd Defendants herein be awarded the costs of this application.***

The application is supported by the Affidavit of CHARLES BENEDICT MWONGELA, the Advocate for the 2nd Defendant and has the following grounds: -

- a. ***The Plaintiff instituted this suit against the 1st and 2nd Defendants on or about 16/1/2006 vide a plaint dated 12/1/2006.***
- b. ***Upon being served with the Plaint and Summons to enter appearance the 1st and 2nd Defendants entered appearance and filed Defence on 8/3/2006 to which the Plaintiff did not file a reply.***
- c. ***Ever since this suit was filed the Plaintiff has not taken any initiative to set the suit down for hearing yet it is now well over four (4) years since suit was filed and this clearly manifests her lack of interest in prosecuting the matter.***

In the Interest of Justice, the Plaintiff is an old lady who is unrepresented and should be heard. The Applicant is not opposed to the suit being heard on merits. **I find it necessary for the application not to be allowed so that the main suit can be heard on its merits. Costs shall be in the cause.**

**It is so ordered.**

**DELIVERED IN OPEN COURT AT MERU THIS 10<sup>TH</sup> DAY OF MAY, 2016 IN THE PRESENCE OF:-**

CC: Daniel/Lilian

Ojiambo present for 1st and 2nd Defendants

Beatrice Kanjiru-Plaintiff

Kieti for 3rd Defendant.

**P.M.NJORGE**

**JUDGE**