

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CIVIL CASE NO. 1552 OF 1998

CHIRAG HOLDINGS LIMITED.....PLAINTIFF

VERSUS

G.K. MEENYE t/a MEENYE & CO. ADVOCATES.....1ST DEFENDANT

NAIROBI CITY COUNCIL (now NAIROBI CITY COUNTY).....2ND DEFENDANT

RULING

There are two applications on record. The first is dated 12th January, 2016 by the 2nd defendant. The other is dated 28th August, 2016 by the 3rd party. Both applications seek the dismissal of the plaintiff's suit for want of prosecution under Order 17 Rule 2 of the Civil Procedure Rules. This suit was filed in July 1998. The last time it was before the court was 5th March, 2009 when the 3rd party was enjoined. Since then no action has been taken. The delay in prosecuting the case is inordinate and no reason has been advanced to justify the same.

On perusal of the court file, I noted that on 25th February, 2015 the matter was listed before Hon. Justice E.M Muriithi for dismissal for want of prosecution under Order 17 Rule 2 (1) of the Civil Procedure Rules. An order was made to that effect. The current applications therefore have been overtaken by events. That notwithstanding, the two applicants are entitled to costs of the suit and this application.

Orders accordingly.

Dated, signed and delivered at Nairobi this 14th Day of September, 2016.

A. MBOGHOLI MSAGHA

JUDGE