

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MACHAKOS

CIVIL APPEAL NO. 210 OF 2012

ANDREW SILA.....APPELLANT

VERSUS

MWANIKI DAVID.....1ST RESPONDENT

THOMAS MUASYA *alias* THOMAS KITUKA.....2ND RESPONDENT

LIZ JACKLYNE KYULU.....3RD RESPONDENT/APPLICANT

RULING

1. The application dated 24th September, 2014 seeks orders that the Appellant’s appeal be dismissed for want of prosecution.
2. It is stated in the affidavit in support that since the filing of the appeal in the year 2012, the Appellant has not taken any steps in the appeal herein. That the Appellant has lost interest in the appeal and the same ought to be dismissed with costs.
3. The application is unopposed. Although the hearing date for this application was fixed in the presence of the counsels for both parties, there was no attendance by the Respondent’s side. No papers were filed in opposition to the application.
4. I have considered the application and perused the file herein. No steps have been taken by the Appellant herein since the filing of the appeal in the month of December 2012. The Appellant appears to have lost interest in the

appeal. The application has merits and is allowed with costs.

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B. THURANIRA JADEN

Dated and delivered at Machakos this 11th day of June, 2015

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B. THURANIRA JADEN

JUDGE