

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MACHAKOS

CIVIL APPEAL NO. 227 OF 2013

JOSEPH MUTHEE MUCHIRI.....APPELLANT

VERSUS

TIMOTHY KATHEMBE MWENDWA.....1ST RESPONDENT

GEDION NZIOKA.....2ND RESPONDENT

RULING

1. The application dated 5th February, 2015 seeks orders that the Appellant's appeal herein be dismissed for want of prosecution.
2. It is stated in the affidavit in support that the Appellant has not taken any steps in this appeal since the filing of the same on 14th November, 2012. According to the Applicant, this reflects that the Appellant has lost interest in the matter.
3. The Appellant was served with the application but did not attend court on the hearing date. No papers have been filed in opposition to the application. The application has merits and is allowed with costs.

B. THURANIRA JADEN

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

B. THURANIRA JADEN

JUDGE