



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MERU**  
**CIVIL APPEAL NO. 109 OF 2011**

JEREMIAH MWAINA .....APPELLANT

VERSUS

IBRAHIM MWIKA JAPHET.....RESPONDENT

R U L I N G

This application is dated 7.8.2014 and seeks orders:

1. *That this Honourable Court be pleased to dismiss this appeal for want of prosecution.*
2. *That cost be provided for.*

*The application is supported by the affidavit of one Ibrahim Mwika Japhet and has the following grounds:*

- (a) *That the appellant have never taken steps in this appeal since admission.*
- (b) *The appellant has completely lost interest in this appeal and the pendency of the same is causing anxiety, mental torture and suffering to the applicant.*
- (c) *That justice delayed is justice denied.*

On 4.12.2014, this Court directed that the application be heard by way of written submissions. The applicant was given 14 days to file his written submissions. The respondent was directed to file his submissions within 14 days after service by the applicant.

When the matter came up for directions on 4.6.2014, the applicant had not filed his submissions. As a result, the respondent could also not file his.

Mr. Ngunjiri holding brief for Ayub Anampiu for the appellant made an oral application for dismissal of the application on account that the applicant had not obeyed court orders issued on 4.12.2014. I agree with him that the applicant has not obeyed this court's orders issued on 4.12.2014. In the circumstances, I dismiss the application. Costs shall be in the cause.

It is so ordered.

**Delivered in Open court at Meru this 4th day of June 2015 in the presence of:**

Cc. Daniel

Ngunjiri h/b Ayub Anampiu for the Appellant

Applicant or Advocate Absent.

**P. M. NJORGE**

**JUDGE**