



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MERU**  
**CIVIL SUIT NO 38A OF 2009**

**MOHAMED VALI MOHAMED .....1<sup>ST</sup> PLAINTIFF**

**VALJI HIRJI SENGHANI.....2<sup>ND</sup> PLAINTIFF**

**VERSUS**

**MUNICIPAL COUNCIL OF MERU.....1<sup>ST</sup> DEFENDANT**

**THE DISTRICT SURVEYOR IMENTI**

**NORTH DISTRICT.....2<sup>ND</sup> DEFENDANT**

**THE DISTRICT PLANNING OFFICER**

**IMENTI NORTH DISTRICT .....3<sup>RD</sup> DEFENDANT**

**THE HON. THE ATTORNEY GENERAL.....4<sup>TH</sup> DEFENDANT**

**RULING**

On 04/11/2015 this matter came up for directions regarding a Notice to show cause why this suit should not be dismissed for want of prosecution. Miss Rimita for the Plaintiffs asked the Court to have the suit marked as withdrawn as the Plaintiffs had sold the disputed properties and left the Country for London, England, where they are now living. Gatari Ringera for the 1<sup>st</sup> defendant told the Court that he was not opposed to the suggested withdrawal of the suit. Miss Kungu for the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> defendants told the Court that she was not opposed to the withdrawal of the suit. She, however, said that the plaintiffs should file a formal application for withdrawal.

I do find that the Submissions proffered by the Plaintiff and the defendants do not amount to showing cause why this suit should not be dismissed for want of prosecution in terms of Order 17 Rule 2 of the Civil Procedure Rules. I, therefore, find that no cause has been shown to the satisfaction of this Court as to why this suit should not be dismissed. In the Circumstances, I dismiss the suit. I issue no order as to costs.

It is so ordered.

**Delivered in open Court at Meru this 9<sup>th</sup> day of November, 2015 in the presence of :-**

Cc. Daniel/Lilian

Miss Rimita present for Plaintiff

Miss Kungu present for Respondents

**P. M. NJORGE**

**JUDGE**