



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA OF KISII**

**Civil Case 352 of 1996**

**JOAN SEREMA SIRIMANI.....PLAINTIFF**

**-VERSUS-**

**OKERO AYIENGA.....1<sup>ST</sup> DEFENDANT**

**STEPHEN OKERO.....2<sup>ND</sup> DEFENDANT**

**RULING**

The plaintiff's application to have the case referred to the Land Disputes Tribunal at Ogembo for resolution cannot be granted. This is because there is no case pending for determination.

Judgment in the case was delivered on 28/3/2003 dismissing the suit with no order as to costs. This followed full hearing of the case.

On 7/4/2008 the Court dismissed for want of prosecution the plaintiff's application brought under *Order 45 rule 1* of the *Civil Procedure Rules* and *section 3A of the Civil Procedure Act*.

The present application is consequently dismissed. The same was not opposed and therefore there shall be no order for costs.

Dated, signed and delivered this 6<sup>th</sup> October, 2009.

**A.O.MUCHELULE**

**JUDGE**

**6/10/2009**

Before Hon. A.O.Muchelule-Judge

Court clerk-Mongare

Plaintiff-present

**COURT: ruling in open court.**

**A.O. MUCHELULE**

**JUDGE**

**6/10/2009**

