



REPUBLIC OF KENYA



**Greatrift Express Shuttle Serices Ltd v Gitu (Civil Suit E040 of 2023)
[2025] KEHC 13981 (KLR) (1 October 2025) (Ruling)**

Neutral citation: [2025] KEHC 13981 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
CIVIL SUIT E040 OF 2023
DO CHEPKWONY, J
OCTOBER 1, 2025**

BETWEEN

GREATRIFT EXPRESS SHUTTLE SERICES LTD APPLICANT

AND

DAVID KINYANJUI GITU RESPONDENT

RULING

1. This matter is for mention for parties to show cause why the Notice of Motion application dated 16th September, 2025 should not be dismissed for want of prosecution, a Notice to Show Cause (NTSC) having been issued on 26th May, 2025 and further on 23rd July, 2025. There has been no response filed or attendance in court by either party or their respective counsel. There is even no representation to explain their failure to respond or attend court in this matter.
2. The Notice to Show Cause was issued pursuant to a Notice of Motion application dated 5th September, 2024, where directions on its disposal were issued on 16th September, 2024 and a mention date fixed for 30th October, 2024 to confirm the same.
3. However, it is worth-noting that there has been no attendance by either party or their respective advocates to conform compliance of the said directions since then. There is even no evidence of service of the said application and directions upon the Respondents.
4. It is further noted that despite issuance of the Notice to Show Cause why the application should not be dismissed for want of prosecution, there has been no response or attendance by either party or their respective counsel to confirm or object to the said Notice. Clearly, the conduct by the parties and or their respective counsel, in particular, the Applicants is an indication that the parties have lost interest in the application.
5. In the circumstances, the court proceeds to find that the parties have not justified why the application should not be dismissed for want of prosecution and proceeds to dismiss the Notice of Motion



application dated 16th September, 2024 for want of prosecution pursuant to the provisions of Order 17 Rule 2 of the *Civil Procedure Rules*.

It is so ordered.

RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT KIAMBU THIS 1ST DAY OF OCTOBER, 2025.

D. O. CHEPKWONY

JUDGE

In the presence of:

No appearance for and by either party

Court Assistant - Martin

