

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**JUDICIAL REVIEW DIVISION**  
**JUDICIAL REVIEW MISC. APPLICATION NO. 196 OF 2017**

EMMANUEL SIMIYU.....APPLICANT

VERSUS

THE PERMANENT SECRETARY

MINISTRY OF STATE FOR PROVINCIAL ADMINISTRATION AND

INTERNAL

SECURITY.....

RESPONDENT

**RULING**

1. This matter has been in this court since 25/4/2017 and I was the first Judge to handle it on 25/4/2017. Several other Judges have handled it and on 2/12/2021, which is over 4 years ago, A.K. Ndung'u J dismissed the matter for want of prosecution.
2. The dismissal followed the Notice to Show Cause why suit should not be dismissed, issued under **Order 17 Rule (2) of the Civil Procedure Rules** because the matter had remained dormant from 27/5/2020 which was over one year. The Notice to Show Cause was issued on 17/9/2021 and the dismissal was done on 2/12/2021.
3. I have now seen a notice of intention not to proceed with the execution in the matter and a request for closure of the file,

dated 30/9/2025 and received in court on 8/12/2025 by the applicant's counsel.

4. As the matter was already dismissed for want of prosecution on 2/12/2021 and as there was no revival of the dismissed suit, the question of execution does not arise.
5. Accordingly, this file is hereby marked as closed on account of dismissal of suit for want of prosecution made on 2/12/2021.
6. File is closed. I so order.

**Dated, Signed and Delivered at Nairobi this 15<sup>th</sup> Day of December, 2025**

**R.E. ABURILI  
JUDGE**