



**Gichuhi & 2 others v County Government of Kenya (Civil Suit
983 of 2019) [2025] KEMC 356 (KLR) (4 December 2025) (Ruling)**

Neutral citation: [2025] KEMC 356 (KLR)

**REPUBLIC OF KENYA
IN THE NAKURU LAW COURTS
CIVIL SUIT 983 OF 2019
PA NDEGE, SPM
DECEMBER 4, 2025**

BETWEEN

APPOLLO MBURU GICHUHI 1ST PLAINTIFF

MARY WAMBUI NAAI 2ND PLAINTIFF

GLADYS W KAMAU 3RD PLAINTIFF

AND

COUNTY GOVERNMENT OF KENYA DEFENDANT

RULING

1. Before me is a Notice of Motion application dated 09/05/2025 and brought pursuant to the provisions of sections 1A, 1B, and 3A of the *Civil Procedure Act* and Order 51, Rule 1 of the Civil Procedure Rules. The application basically seeks to set aside the dismissal orders dated 05/07/2024, dismissing this matter for want of prosecution and then to reinstate this suit for further directions.
2. The application is based on the 20 grounds on its face and the annexed supporting affidavit of Paul Murimi Kiongo, the plaintiff's advocate on record. The application was served on the defendant who failed to file a response in opposition to it. The application is thus deemed unopposed.
3. I have however gone through it, the grounds and the evidence adduced in support. I find that the application is merited as the delay in prosecuting this case could have been inadvertently caused by the fact that the file herein had gone missing and there is evidence annexed herein that an application to reconstitute a skeleton file on its behalf was filed.
4. This court thus allow the application in terms of prayer 2. This suit is thus hereby reinstated and directions as prayed for in prayer number 2 shall have to be taken in open court and, if possible, in the presence of all the parties herein.



**DATED, SIGNED AND DELIVERED AT NAKURU IN OPEN COURT THIS 04TH DAY OF
DECEMBER, 2025**

ALOYCE-PETER-NDEGE

SENIOR PRINCIPAL MAGISTRATE

In the presence of;

Plaintiff's Counsel: N/A

Defence Counsel: N/A

1st Plaintiff/ applicant: N/A

2nd Plaintiff/ applicant: N/A

3rd Plaintiff/ Applicant: N/A

