



REPUBLIC OF KENYA
IN THE HIGH COURT AT CHUKA
CHUKA ELC CASE NO 09 OF 2017
FORMERLY MERU ELC CASE NO. 14 OF 2015

MUGERE KAMOTHO.....PLAINTIFF

VERSUS

JAMES MUCHIRI NDEGWA.....1ST DEFENDANT

DAVID MUTHENGI.....2ND DEFENDANT

JOHN NYAGA3TH DEFENDANT

M'IMWITHA M'RINTIRA.....4TH DEFENDANT

JACKSON MAKUNYI KURURU.....5TH DEFENDANT

M'GWETA MURUA.....6TH DEFENDANT

NJERU NGOROI.....7TH DEFENDANT

ALEXANDER MUNENE MATI.....8TH DEFENDANT

PATRICK MUTUGI MATI.....9TH DEFENDANT

JOHN GITONGA MATI.....10TH DEFENDANT

CATHERINE KAGENDO MUTURIA.....11TH DEFENDANT

M'NANDI MAIKITHE.....12TH DEFENDANT

RULING

1. Parties came to court on 28.2.2014 to show cause why the suit should not be dismissed in terms of Order 17 Rule 2(1) of the Civil Procedure Rules.

2. The plaintiff was in court but his advocate was absent. The plaintiff told the court that his advocate, Mr. Mutwiri Arimi, had told him to remain at home until he invited him to come to court. He told the court that as the non-prosecution of this suit was the advocate's fault, he should be given a chance to prosecute his claim.

3. Mr. I.C. Mugo, the defendants' advocate said that he would leave dismissal or non-dismissal of this suit to the discretion of the court.

4. I find that the parties have shown to the satisfaction of this court that this suit should not be dismissed.

5. This suit is not dismissed.

6. The plaintiff is ordered to fully comply with order 11, CPR, within 14 days of today and the defendants should do so within 13 days of the receipt of the plaintiff's compliance documents.

7. Parties will come to court for directions on 27.3.2017.

8. It is so ordered.

Delivered in open court at Chuka this 28th day of February, 2017 in the presence of:

CA: Ndegwa

I.C. Mugo for the defendants

Mugere Kamotho – plaintiff

P.M. NJOROGE

JUDGE