



REPUBLIC OF KENYA



KENYA LAW
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**Gitonga v Kimani (Miscellaneous Civil Application 81 of 2020)
[2025] KEHC 1697 (KLR) (29 January 2025) (Ruling)**

Neutral citation: [2025] KEHC 1697 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
MISCELLANEOUS CIVIL APPLICATION 81 OF 2020
DO CHEPKWONY, J
JANUARY 29, 2025**

BETWEEN

IMAITA KITHINJI RAPHAEL GITONGA APPLICANT

AND

CATHERINE WAIYEGO KIMANI RESPONDENT

RULING

1. This matter is for mention for parties to show cause why the suit should not be dismissed for want of prosecution; a Notice to Show Cause having been issued and served upon their respective counsel on 23rd May, 2024.
2. There has been no appearance by either party and or their respective counsel to show cause why the case should not be dismissed for want of prosecution. They have not even sent representation to explain their absence.
3. On issuing the Notice to Show Cause on 28/7/2023, the court had noted that there had been no continuity on the record since 11/6/2021, which is clear evidence that the parties have lost interest in the matter.
4. For this reason, it is only prudent that the court system be unclogged of such backlog. Therefore, as provided for under Order 17 Rule 2 of the *Civil Procedure Rules*, the suit be and is hereby dismissed for want of prosecution.

It is so ordered.

RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT KIAMBU

THIS 29TH DAY OF JANUARY, 2025.

D.O CHEPKWONY



JUDGE

In the Presence of:

Martin – Court Assistant

No appearance by Either Party

