



REPUBLIC OF KENYA



**Macharia & another v Equity Bank Limited (Commercial Case  
E017 of 2022) [2025] KEHC 1663 (KLR) (27 January 2025) (Ruling)**

Neutral citation: [2025] KEHC 1663 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIAMBU  
COMMERCIAL CASE E017 OF 2022  
DO CHEPKWONY, J  
JANUARY 27, 2025**

**BETWEEN**

**JOSPHAT CHEGE MACHARIA ..... 1<sup>ST</sup> PLAINTIFF**

**JOYKISCO ENTERPRISES LIMITED ..... 2<sup>ND</sup> PLAINTIFF**

**AND**

**EQUITY BANK LIMITED ..... DEFENDANT**

**RULING**

1. The matter is for mention for parties to show cause why the case should not be dismissed for want of prosecution following a Notice to Show Cause issued on 18<sup>th</sup> November, 2024.
2. There is no appearance by either party and or their respective counsel despite having been aware and or served with the said Notice to Show Cause.
3. I have perused the record and established that since 14<sup>th</sup> May, 2024, when the court issued directions on disposal of the Notice of Motion application dated 13<sup>th</sup> December, 2022, no substantive action has been taken or proceeded in this case.
4. Infact, the Applicant and or his counsel have failed to attend court on several occasions and on 24<sup>th</sup> June, 2024, Mr. Kimani counsel for the Plaintiffs/Applicants indicated that his clients may have settled the claim and sought for three (3) weeks to enable them file a Consent Order.
5. It is worth noting that since then, this Consent has not been filed and nothing substantive has taken place in the matter.



6. From this conduct, it is clear the Plaintiffs/Applicants have lost interest in this case. And for this reason, it is only prudent that the same be dismissed for want of prosecution as per the provision of Order 17 Rule 2 of the Civil Procedure Rules.

It is so ordered.

**RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT KIAMBU THIS 27TH DAY OF JANUARY, 2025.**

**D. O. CHEPKWONY**

**JUDGE**

In the presence of:

No appearance for and by either party

Court Assistant - Martin

