



**Osumba v Mueke (Miscellaneous Civil Application 22 of 1991)  
[2024] KEHC 6444 (KLR) (31 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 6444 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
MISCELLANEOUS CIVIL APPLICATION 22 OF 1991**

**RE ABURILI, J**

**MAY 31, 2024**

**BETWEEN**

**ALFRED OUYA OSUMBA ..... APPLICANT**

**AND**

**DAVID MUTHIANI MUEKE ..... RESPONDENT**

**RULING**

1. This file was found dormant and isolated in the High Court Civil Registry with no closure. This was during our case audit. The last time it was in court before Osiero J was on 14<sup>th</sup> November 1991, over 33 years ago.
2. The file was opened on an application for transfer of a case from Nakuru SPM's Court Civil Suit No. 516 of 1989 to Kisumu Court. Nothing transpired on the above named date and the matter was stood over generally.
3. As there cannot be a pending interest in the transfer of suit from one court to another over 32 years later, the application dated 30<sup>th</sup> May 1991 is dismissed for want of prosecution and laches.
4. This file is closed for archiving. I so order.

**DATED, SIGNED AND DELIVERED AT KISUMU THIS 31<sup>ST</sup> DAY OF MAY, 2024**

**R. E. ABURILI**

**JUDGE**

