



**Munyua & another v Ukristo na Ufanisi waa Anglicana Sacco Limited & another  
(Commercial Suit 12 of 2023) [2024] KEHC 8518 (KLR) (27 June 2024) (Ruling)**

Neutral citation: [2024] KEHC 8518 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIAMBU  
COMMERCIAL SUIT 12 OF 2023  
DO CHEPKWONY, J  
JUNE 27, 2024**

**BETWEEN**

**SIMON NGIGE MUNYUA ..... 1<sup>ST</sup> APPELLANT**

**SALOME NJAMBI NGIGI ..... 2<sup>ND</sup> APPELLANT**

**AND**

**UKRISTO NA UFANISI WA ANGLICANA SACCO LIMITED .... 1<sup>ST</sup>  
RESPONDENT**

**JAMES MURIUKI MBURU TA JAMDEE ENTERPRISES  
AUCTIONEERS ..... 2<sup>ND</sup> RESPONDENT**

**RULING**

1. This suit was first filed in Thika as ELC Court Case No. 49 of 2023 on 6<sup>th</sup> June, 2023. It was thereafter transferred to this court through the Ruling delivered on 13<sup>th</sup> June, 2023 for want of jurisdiction.
2. On 14<sup>th</sup> June, 2023, the court directed the matter to proceed for pretrial directions before the Deputy Registrar on 28<sup>th</sup> June, 2023. However, that day was declared a public holiday and matter was adjourned to 16<sup>th</sup> August, 2023, on which day, there was no appearance by either of the parties. The matter was then adjourned to 17<sup>th</sup> October, 2023 and there was still no appearance by either of the parties. The matter was then adjourned to 31<sup>st</sup> January, 2024 where the Plaintiff's Counsel was absent but the Respondent's advocate was present. The court then directed that a Notice to Show Cause issues upon the Plaintiff to come and show cause why the suit should not be dismissed for want of prosecution.
3. This Ruling is in respect of the Notice to Show Cause dated 31<sup>st</sup> January 2024. On 28<sup>th</sup> May, 2024, Ms Wairimu Counsel for the Respondent informed the court that the Applicant has never filed any document in the matter since its filing and urged the court to issue directions on the same.



4. From the record the court has noted that when the matter was transferred to this court, the court administrator sent an email on 21<sup>st</sup> June, 2023 where it confirmed receipt of the file and informed the Advocates for the parties through their respective emails, kivuvaadvocates@gmail.com and kmpadvocates.litigation@gmail.com of the new number allocated number on the file together with the mention date of 28<sup>th</sup> June, 2023. The court also notes that the court issued an email of 27<sup>th</sup> October, 2023 informing the said advocates of the Mention of 31<sup>st</sup> January, 2024, another email of 6<sup>th</sup> February, 2024 for the Notice to Show Cause and another for 4<sup>th</sup> June, 2024 for the Mention of 28<sup>th</sup> June, 2024.
5. From this record, it is clear that the Applicant was well aware of the case being transferred to this court, the new case number and the instances when the matter was coming up for Mention and Notice to Show Cause but did not take any steps to have the matter prosecuted for more than one year. It is therefore evident that the Applicants have lost interest in the matter and since no cause has been shown or demonstrated this matter is hereby dismissed for want of prosecution pursuant to Order 17 Rule 2(1) of the Civil Procedure Rules.

It is so ordered.

**RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT KIAMBU THIS 27<sup>TH</sup> DAY OF JUNE , 2024.**

**D.O CHEPKWONY**

**JUDGE**

In the presence of:

No appearance by either party

Court Assistant - Martin

