**REPUBLIC OF KENYA**

**IN THE PRINCIPAL MAGISTRATE’S COURT AT KENYA**

**AT KALOLENI**

**CIVIL SUIT NO. 33 OF 2019**

**MOSES BHUKHEBI WAFULA……………………………………………….PLAINTIFF**

**VERSUS**

**STEEL MAKERS LIMITED………………………………………………..DEFENDANT**

**RULING**

The Plaintiff/applicant filed a Notice of Motion application dated 29th May 2023 brought under Order 51, Order 12 Rule 7 of the Civil Procedure Rules, Section 1, 1A, 3A, & 7 of the Civil Procedure Act.

This application is also brought under Articles 50 and 159 (2) (a) and (b) of the Constitution of Kenya, 2010.

The applicant seeks the following orders:

1. **THAT** the application be certified as urgent and service thereof be dispensed with in the first instance. **(Spent)**
2. **THAT** this Honourable Court be pleased to set aside the proceedings and all consequential order of the 3rd November 2021 withstanding this matter for want of prosecution.
3. **THAT** this Honourable Court be pleased to issue an order reinstating this case for hearing and determination on merit to its logical conclusion.