



**Njagi v Kanyingi (Civil Miscellaneous Application E033 of 2022)
[2024] KEHC 15064 (KLR) (26 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 15064 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
CIVIL MISCELLANEOUS APPLICATION E033 OF 2022
DO CHEPKWONY, J
NOVEMBER 26, 2024**

BETWEEN

ROSALINE WAWIRA NJAGI APPLICANT

AND

IRENE WANJIRU KANYINGI RESPONDENT

RULING

1. The matter is coming up for hearing of a Notice of Motion application dated 12th November, 2024 in which the Plaintiff/Applicant seeks for:-
 - a. Spent.
 - b. Leave to serve the Defendant/Respondent by way of substituted service.
 - c. The Plaintiff/Applicant to be allowed to serve the Defendant/Respondent through advertisement in any one of the Daily Newspapers with a National Circulation.
2. The application is based on the grounds on its face and reiterated in the Supporting Affidavit sworn by Rosaline Wawira Njagi on even date, the gist of it being that since the Defendant moved out of the disputed land, it has been difficult to trace and effect service upon it.
3. Having listened to counsel for the Plaintiff/Applicant, the Notice of Motion application dated 12th November, 2024 be and is hereby allowed in the following terms:-
 - a. The Applicant is granted leave to serve the Defendant by way of substituted service.
 - b. The Plaintiff/Applicant is granted leave to serve the Defendant/Respondent through advertisement in any one of the Daily Newspapers with a wide National circulation.
 - c. Summons be and are hereby extended.



- d. Mention on 21st January, 2025 for parties to confirm service upon the Defendant/Respondent and take further directions.

It is so ordered.

RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT KIAMBU THIS 26TH DAY OF NOVEMBER, 2024.

D. O. CHEPKWONY

JUDGE

In the presence of:

M/S Munyu holding brief for Mr. Nyasae counsel for Plaintiff/Applicant

Court Assistant - Martin

