



REPUBLIC OF KENYA



**KENYA LAW**  
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**Medlinc Africa Limited v Lovegwa & 2 others (Civil Suit E680 of 2021)  
[2022] KEHC 11867 (KLR) (Commercial and Tax) (12 August 2022) (Ruling)**

Neutral citation: [2022] KEHC 11867 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI COMMERCIAL COURTS)  
COMMERCIAL AND TAX  
CIVIL SUIT E680 OF 2021  
A MABEYA, J  
AUGUST 12, 2022**

**BETWEEN**

**MEDLINC AFRICA LIMITED ..... PLAINTIFF**

**AND**

**WILKINS CHAGADWA LOVEGWA ..... 1<sup>ST</sup> DEFENDANT**

**COLLINS LANOGWA ..... 2<sup>ND</sup> DEFENDANT**

**ELIZABETH WANJIRU ..... 3<sup>RD</sup> DEFENDANT**

**RULING**

1. The defendants filed a Preliminary Objection dated 23/7/2021 which the court is tasked with determining in this ruling.
2. The objection raised points of law against the suit and the application dated 9/7/2021 filed by the plaintiff.
3. It was premised on the grounds that the entire suit and aforementioned application offended the provisions of section 6 of the *Civil Procedure Act* as there exists Milimani High Court Commercial Suit Number Hcomm/E138/2021 involving the same parties and counsels herein and involving the same subject matter as in the present suit.
4. That the orders issued by the Hon Muigai on the 15/7/2021 partially reversed the orders of this Court issued on 29/3/2021, allowing the 1st to 3rd defendants to participate in the affairs of the plaintiff herein.
5. The Court directed the defendants to file submissions in support of the objection 17/8/2021. However, as at the time of writing this ruling, there were no submissions on record.



6. Firstly, by failing to file submissions, the defendant failed to prosecute the said objection. Secondly, there is nothing on record to show the existence of the alleged suit. It is not for the Court to go out of its way to look for such evidence.

7. In the premises, I find the objection to be without merit and dismiss the same with costs.

It is so ordered.

**DATED AND DELIVERED AT NAIROBI THIS 12TH DAY OF AUGUST, 2022.**

**A. MABEYA, FCIArb**

**JUDGE**

