

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

CIVIL CASE NO. E008 OF 2021

HANGOVER KAAKWACHA HOTEL LTD.....PLAINTIFF

VERSUS

PHILIP ODUNDO & LEONARD

ADUNDO T/A HANGOVER KAAKWACHA HOTEL.....DEFENDANT

COURT DIRECTIONS

1. The parties have not agreed to resolve this matter amicably as had earlier been envisaged and therefore the application for injunction has not been compromised. That being the case, and as the application for injunction is likely to take long to be determined further if this court was to grant more time to the parties to file further and supplementary affidavits and submissions and the said parties are likely to prosecute the suit through an application for injunction, I hereby direct as follows:

(1) That the Defendants are granted 15 days of today to file and serve their statement of defence together with all documents and witness statements that they intend to rely on at the hearing;

(2) That the Plaintiff shall have 7 days of service of defence to file reply to defence if need be;

(3) That the application for injunction is hereby spent and order for status quo is hereby ordered so that the parties who are close relatives remain in the same positions that they were in prior to the filing of this suit;

(4) That upon direction (1) and (2) being complied with, the parties to comply with all the other pretrial requirements under Order 11 of the Civil Procedure Rules;

(5) This court shall mention this matter on 24/11/2021 for a pretrial conference and to fix a hearing date for the main suit. Mr. Okoyo to serve Mr. Anyul advocate.

2. I so direct.

DATED, SIGNED AND DELIVERED AT SIAYA THIS 25TH DAY OF OCTOBER, 2021

R.E. ABURILI

JUDGE