

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

CIVIL CASE NO. E1 OF 2020

HON. ELISHA OCHIENG ODHIAMBO.....PLAINTIFF

VERSUS

BOOKER NGESA OMOLE.....DEFENDANT

RULING

1. On 25/9/2020, this court considered ex parte an application for Interim orders and granted interim orders. It is ordered the application to serve the Respondent for inter partes consideration today.
2. The Applicant's counsel was served and received the response which is bulky, this morning and seeks leave of court to file a further affidavit to respond to matters raised by the Respondent in the lengthy Replying affidavit. He also seeks for extension of the interim orders obtained.
3. Albeit counsel for the Respondent vehemently opposes the request by the applicant through his counsel, I find no merit in the opposition as the Applicant has a right of reply to a reply filed this morning by the Respondent. Equally, the Respondent reserves the right to file a Supplementary affidavit if need be upon being served with a further affidavit.
4. That being the position, I grant leave to the applicant to file a further affidavit and serve on the Respondent's counsel within 5 days of today, together with written submissions. The Respondent is also granted leave of court to file and serve a Supplementary affidavit if need be, within 5 days of service. Which Supplementary affidavit shall be filed and served together with written submissions.
5. Mention on 13/10/2020 to confirm compliance and to give a ruling date.
6. In the meantime, the interim orders of injunction granted on 25/9/2020 against the Respondent are hereby extended and remain in force as initially granted until 13/10/2020 on account that the cited constitutional rights of the Respondent under Article 33 of the Constitution are not absolute. They are limited by the same Article 33(2) and (3) of the same constitution.
7. Orders accordingly.

Dated, signed and Delivered at Siaya this 30th Day of September 2020.

R.E. ABURILI,

JUDGE

In the presence of:

Mr. Oduol holding brief for Oruenjo for Applicants

Mr. Wachira Advocate for the Respondent

Court Assistant: Brenda