



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT EMBU**

**CIVIL APPEAL NO.103 OF 2010**

**IRENE NJERU GODFREY ..... APPELLANT**

**VERSUS**

**KENYA POWER & LIGHTING CO. LTD ..... RESPONDENT**

**DIRECTIONS**

This matter was fixed for mention on 1.11.2017 before me. The appellant's counsel informed the court that he had already filed written submissions. Counsel for the respondent was absent as he had not been served. The case was fixed for a further mention on 16.11.2017. Miss Wambugu for the appellant informed the court that the respondent was served and an affidavit of service had been filed. I have perused the affidavit of service and it is referring to service done on 24<sup>th</sup> October, 2017. This notice is in reference to the mention date of 1.11.2017. It is clear to me that when the matter came for mention on 1.11.2017, Counsel for the respondent had not been served. This is what Mr. Muthee told the Court. Between 1.11.2017 to 16.11.2017 no fresh service was effected. In short there was no service upon the respondent or its advocates by 16.11.2017 when the appeal came for submissions.

It is not clear to me why an advocate based in Nyeri cannot be served personally instead of sending hearing notices by post. I do order that this matter be listed for mention. The appellant's Counsel to serve Counsel for the respondent personally and an affidavit of service be filed. Thereafter further directions on the matter will be given by the Presiding Judge.

**Dated and Signed at Marsabit this 9<sup>th</sup> day of May, 2018**

**S. CHITEMBWE**

**JUDGE**

**Dated, Signed and Delivered at Embu this 22<sup>nd</sup> day of October, 2018**

**F. MUCHEMI**

**JUDGE**