



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MERU**  
**ELC CASE NO. 107 OF 2014**

JOEL GITONGA KIMATHI.....PLAINTIFF

VERSUS

THE TEACHERS SERVICE COMMISSION.....1ST DEFENDANT

THE HON. ATTORNEY GENERAL.....2ND DEFENDANT

**RULING**

This application is dated 7th November, 2014. It seeks orders.

- 1. That leave be granted to the Applicant to apply for judgment against the 2nd defendant who has defaulted to enter appearance.***
- 2. That costs of the application be costs in the cause.***

It has the following grounds:

- 1. The 2nd defendant was served with Summons to enter appearance on the 23.7.2014.***
- 2. That the 2nd defendant has not entered any appearance or filed any defence to date.***

As the 2nd defendant has already filed a defence, the application can not be allowed. It is dismissed.

Costs shall be in the cause.

I issue the following orders:

- 1. All parties to fully comply with order 11, CPR, within 60 days.***
- 2. Upon completion of compliances, parties to obtain a mutually convenient date for directions from the registry.***

Delivered in Open court at Meru this 18th day of May, 2015 in the presence of:

Cc Lilian

Kieti for 2nd defendant

***P. M. NJORGE***

***JUDGE***