



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MERU
CIVIL SUIT NO. 162 OF 2013

ELIZABETH MWARI MAINGI.....PLAINTIFF

VERSUS

LUCY KANYUA MUTUNGI.....DEFENDANT

RULING

This application is dated 26.6.2014 and seeks orders:

1. ***THAT this Honourable Court be pleased to grant leave to the Plaintiff to amend the Plaint dated 25th June 2013 and filed in this Honourable Court on the same date as per the draft annexed plaint marked "A".***
2. ***THAT the Amended Plaint be deemed duly filed and served upon payment of requisite further filing fees.***
3. ***THAT the Defendant be at liberty to amend her Defence within 14 days.***
4. ***THAT the costs of this application be costs in the cause.***

It has the following grounds:

1. ***THAT the defendant has since vacated the plaintiff's premises being shop Number B, facing Njuri Ncheke Street, situated in LR. NO. MERU MUNICIPALITY BLOCK 11/96, pursuant to this Honourable Court's orders on 25th June, 2013.***
2. ***THAT the plaintiff has incurred numerous expenses which include fees, costs of renovating the premises, security guards and eviction process and there is need to amend the plaint to include a claim of Kshs.262,000/= being the total sum thereof.***
3. ***THAT in the interest of justice and fairness the Plaintiff be granted leave to amend the Plaint herein for the Court to effectually determine all the matters between the parties.***
4. ***THAT the proposed further amendments will not occasion any prejudice to the Defendant.***

On 29.6.2015, the Court made a finding that the application was not opposed. In the circumstances, I allow the application with a variation that prayer 3 is allowed with the defendant being allowed to file her defence within 30 days after service of the orders issued by the Court today and this ruling.

I order the defendant to serve this ruling upon the defendant within 14 days.

Costs shall be in the cause.

Delivered in Open Court at Meru this 29th day of June, 2015 in the presence of:

Cc. Lilian/Daniel

Mutura h/b Muthomi for the plaintiff

P. M. NJOROGE

JUDGE