

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

Divorce Cause No. 94 Of 2006

K W H.....PETITIONER

VERSUS

J H D.....RESPONDENT

RULING

1. The application dated 31st May 2013 seeks several orders, the principal one being the dismissal of the petition for want of prosecution.
2. There is filed an affidavit of service filed on 27th November 2013. It indicates that the petitioner was served on 8th November 2013 through her counsel, Messrs. Mwangi Wahome Co. Advocates. The said law firm embossed their stamp on the face of the hearing notice returned as proof of service, which notice is dated 8th November 2013. The return relates to service of a hearing notice but not of the summons itself. There is no proof whatsoever of service of the summons dated 31st May 2013 itself.
3. As there is no evidence of service of the summons I will not make any orders on its merits. The applicant shall serve the summons dated 31st May 2013 on the respondent and thereafter obtain a date for its hearing at the registry.

SIGNED DATED and DELIVERED in open court this 30th day of May 2014.

W. MUSYOKA

JUDGE