

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CIVIL DIVISION

CIVIL SUIT NO 175 OF 2012

1. ABDULKADIR MOHAMED NUR
2. DEEQA CONSTRUCTION & WATER WELL

DRILLING COMPANY LIMITED.....PLAINTIFFS

VERSUS

1. ASSOCIATED PRESS LIMITED
2. KATHARINE HOURELD.....DEFENDANTS

R U L I N G

1. On 13/6/2013 the court (Odunga, J) granted the Plaintiffs leave to serve summons to enter appearance and copy of the plaint, together with the **notice of motion dated 12th April 2012** upon the Defendants outside the jurisdiction of the court.

2. The Plaintiffs have now come back to court by notice of motion dated 10/4/2014 seeking two main orders which are framed as follows –

“3. That the Plaintiffs be granted leave for extension to serve summons to enter appearance upon the Defendants herein out of the jurisdiction of the Republic of Kenya.

4. That the Plaintiffs be granted leave to serve the Defendants by substituted service in Kenya as well as in the Defendants’ country of residence in anynewspapers of nation-wide circulation.”

3. The application is expressed to be brought **under Order 5, rules 1 (1) & 2, 17, 22, 30 and 32** of the **Civil Procedure Rules, 2010 (the Rules)**. The inherent power of the court has also been invoked.

4. At the hearing of the application learned counsel for the Plaintiffs stated that the application was meant to seek extension of validity of the summons which had expired contrary to the prayers in the application. I will assume that the said statement of counsel was an application to amend the application, which amendment I hereby grant. The application at hand therefore seeks extension of validity of the summons.

5. I will grant the application and extend the validity of the summons to 31st December 2014. Costs of the application will be in the cause. It is so ordered.

DATED AND SIGNED AT NAIROBI THIS 25th DAY OF JULY 2014

H.P.G. WAWERU

JUDGE

DELIVERED AT NAIROBI THIS 25TH DAY OF JULY 2014