



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT MERU**  
**HCC NO. 186 OF 2011**

GODFREY MATE.....PLAINTIFF

VERSUS

THE HON. ATTORNEY GENERAL.....DEFENDANT

**RULING**

This application is dated 26th June, 2012 and seeks orders:

1. **THAT leave be granted to the Plaintiff to seek Judgment against the Defendant in default of defence herein.**
2. **THAT interlocutory Judgment be entered against the Defendant for failing to file defence within the stipulated time.**
3. **THAT the costs of this application be provided for by the Plaintiff.**

It is, also predicated upon the following grounds:

1. **That the Defendant filed the Memorandum of Appearance on 8th February. 2012.**
2. **That the Defendant is required by Law to file defence within Fourteen days thereafter.**
3. **That to date the Defendant has not filed the Defence.**

On 7.7.2014 this Court allowed the defendant to file his defence and his other documents within 21 days. He filed his defence within the allowed time.

Although the plaintiff/Applicant's advocate is not in Court, the day of hearing of the plaintiff's application, today, was fixed in his presence. Considering all the circumstances of this application, and especially the fact that the defendant has filed his defence, I dismiss the application with no order as to costs.

It is so ordered.

**Delivered in Open Court at Meru this 24th day of July, 2014 in the presence of:**

Cc. Daniel

Kieti for Defendant

Nyaga for plaintiff/Absent

**P. M. NJORGE**

**JUDGE**