



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**HCC 50 OF 2007 (OS)**

**E N K .....APPLICANT**

**VERSUS**

**S N K.....RESPONDENT**

**RULING**

1. The application I am called upon to determine is dated 18<sup>th</sup> April 2013. It seeks an order that the interlocutory prohibitive injunction granted on 12<sup>th</sup> November 2009 by Nambuye J. had lapsed automatically after December 2009.

2. The copy of application in the court file has not been executed by counsel for the 2<sup>nd</sup> respondent/applicant. That an application, or other pleading for that matter, be signed by the applicant or counsel is a mandatory requirement of the law. Execution of applications or pleadings authenticates them. It validates them. It is indication that the party wishes to be bound by the papers.

3. As it is the Motion dated 18<sup>th</sup> April 2013 is incompetent for want of execution. It is an abuse of court process. It is a non-starter. Without execution the Motion does not exist. It is hereby struck out with costs to the respondent.

**DATED, SIGNED and DELIVERED at NAIROBI this 26<sup>th</sup> DAY OF September, 2014.**

**W. MUSYOKA**

**JUDGE**

**In the presence of Mr. Shah for Mr. Rimuri advocate for the applicant.**