



**REPUBLIC OF KENYA**

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

**MILIMANI COMMERCIAL & ADMIRALTY DIVISION**

**CIVIL CASE NO. 363 OF 2013**

**DOUGLAS MOGIRE MEKENYA**

**CHARGES ONDIEKI NYAMBUI Training As**

**SHIPWRIGHT SOLUTIONS 7 LOGISTICS**

**& SHIPFLIGHT SOLUTIONS & LOGISTICS**

**ICN ::::::::::::::::::::::::::::::::::::::: PLAINTIFFS/APPLICANT**

**VERSUS**

**ALEXANDER MUKANGA OMINDO ::::: DEFENDANT/RESPONDENT**

**R U L I N G**

1. The **Notice of Motion** before the court is dated **8<sup>th</sup> September 2014**. It is filed under Order 5 Rules 2 (1) (2) (3) (4) (5) (6), & Rule 17, Order 50 Rule 6 and Order 51 Rule (1) (4) of the Civil Procedure Rules 2010, Sections 3A, 63 (e) & 95 of the Civil Procedure Act.
2. The application seeks the following orders:-
  1. *That summons herein be renewed and their validity extended for another 12 months.*
  2. *That service of the application herein be dispensed with.*
  3. *That the Defendant herein be served by way of substituted service in any one of the local dailies i.e. The Daily Nation or Standard Newspaper or as this Honourable Court may deem fit.*
  4. *That the costs of this application be provided for.*
3. The application is based on the following grounds:-
  - A. *The suit herein was filed in court on 20th August 2013 and summons issued on 29th August 2013.*
  - B. *That numerous attempts to effect personal service of summons and pleadings on the Defendant have been futile as the Defendant has been difficult to trace.*
  - C. *Despite being served via registered post office he has failed and or refused to enter appearance.*
  - D. *The law contemplates that where summons are due to expire then they can be extended via an application to court.*
  - E. *No prejudice whatsoever or at all would be occasioned upon the Defendant if this application is allowed.*
  - F. *It is in the interest of justice that this application be allowed.*

4. The application is not opposed. I have considered it and found it merited. I make the following orders:-

- a. *The summons herein are herewith renewed and their validity extended for another 12 months.*
- b. *The Defendants herein shall be served by way of substituted service in any one of the local daily newspaper i.e. the Daily Newspaper or Standard Newspaper.*
- c. *Costs shall be in the cause.*

Orders accordingly.

**DATED, READ AND DELIVERED AT NAIROBI**

**THIS 18TH DAY OF NOVEMBER 2014**

**E. K. O. OGOLA**

**JUDGE**

**PRESENT:**

No appearance for the Plaintiffs/Applicant

No appearance for the Defendant/Respondent

Teresia – Court Clerk