



REPUBLIC OF KENYA

High Court at Mombasa

Civil Suit 19 of 2012

MOHAMED SHAFIQ RAFIQ PLAINTIFF

- V E R S U S -

AYHUB KHAN KARIM DEFENDANT

RULING

The plaintiff filed the application dated 8th of December 2012 praying for orders that he be granted leave to amend his plaint as filed herein in terms of the Amended Draft Plaint annexed to the application.

When the application came for hearing before me on the 16th April 2013 the applicant relied on his supporting affidavit sworn on 8th November 2012. He averred that there were circumstances which he had come to know and that those circumstances were not well within his knowledge when he filed the application. He averred that the Court ought to be brought to the knowledge of those facts.

He also annexed a draft amended plaint therein which he wanted to be deemed as filed. The application was served on H.A.T Anjarwalla on 22nd December 2012. Learned Counsel Mr. Anjarwalla appeared for the respondent. He stated that he had filed his grounds of objection to the application. He did not have serious objections to the application.

There are no grounds of objection on the file. The Respondents instead have filed an application dated 15/4/2008 to strike out this suit.

There is no return of service on the application dated 15/4/2013. This is a completely different application to the application of 8/11/2012.

The application of 8/11/2012 is not opposed. The same is allowed as prayed. The draft amended defence annexed to that application is deemed as filed. There shall be no order as to costs.

DATED and delivered at Mombasa this 30th day of April, 2013

**S.N. MUKUNYA
JUDGE**

In the presence of:

Plaintiff in person

Anjarwalla for defendant