



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
CIVIL DIVISION
CIVIL CASE NO 207 OF 2012

1. E O

(Minor suing through Next Friend H O)

2. D N

(Minor suing through Next Friend R M C)

- 3. GEORGE NJOROGÉ
- 4. NAHASHON KIVUVA
- 5. MARION WACEKE MBURU
- 6. JOSEPH MWAI.....PLAINTIFFS

VERSUS

- 1. KENYA PIPELINE CORPORATION
- 2. CITY COUNCIL OF NAIROBI
- 3. NATIONAL ENVIRONMENTAL MANAGEMENT AUTHORITY.....DEFENDANTS

AND

CHINA PETROLEUM PIPELINE BUREAU.....3RD PARTY

PRELIMINARY RULING

1. In this application (**notice of motion dated 10th July 2013**) the 1st Defendant seeks two main orders as follows -

- (i) Leave to effect service of a third party notice and other processes in these proceedings upon the 3rd Party, **China Petroleum Pipeline Bureau (CPP)**, by way of substituted service.
- (ii) That such substituted service be by registered post to the 3rd Party's last known address at **22 Jinguang Road, Langfang City, Hebei Province, P R China 06500**, and also through advertisement in the Daily Nation newspaper.

2. The second prayer of the application raises the issue of **service outside jurisdiction** which has not

been addressed at all in the supporting affidavit. Service of summons and other processes out of jurisdiction is a serious issue provided for in detail under **Order 5, Rules 21 and 22** of the **Civil Procedure Rules, 2010**. There are various conditions that must be met before the court will authorize such service.

3. Let the 1st Defendant address those issues by way of a supplementary affidavit so that the court can render a proper decision on the application at hand. Appropriate further directions shall be given at delivery of this preliminary ruling.

DATED AND SIGNED AT NAIROBI THIS 10TH DAY OF OCTOBER 2013

H. P. G. WAWERU

JUDGE

DELIVERED AT NAIROBI THIS 11TH DAY OF OCTOBER 2013