



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
CIVIL SUIT NO.427 OF 2011

DANIEL LAGO OKOMO.....PLAINTIFF

VERSUS

SAFARI PARK HOTEL.....1ST DEFENDANT

ATTORNEY GENERAL..... 2ND DEFENDANT

RULING

This chamber summons dated 16/9/2011 was filed by the litigant in person.

He seeks orders:-

(a) To be given fee waiver for his plaintiff agent the defendants. This application was not opposed.

Application number (b) is not also opposed. The court therefore orders that the two prayers are hereby granted under the provisions of New Constitution Article 22 3 C which states that no fees may be charged for commencing proceedings under that article.

Regarding prayer (c) which states the rights of the plaintiff were abused, due to arrest on 28/5/2007 and taken to court on 4/6/2007 one week later contrary to Article 49(f) (i), (ii) of the constitution and all happened under instructions and knowledge of first and 2nd defendant respectively.

(d) the first defendant is particularly asked to prepare documents associated with guidelines and regulations permitting hotels on "Right of admission" to clients customers to hotels. Also at the same time regulations and guidelines under which Inter Hotel security work upon which clients do violate and also that they could misuse on others in clients, visitors including the current members to inter Hotel Security. The full accommodation costs they have been changing as from March 6th 2011 with the first defendant being a prominent member.

The application is supported by affidavit sworn by the applicant which states that his rights will lapse unless he is given fees waiver so he can file this suit as stated. The plaintiff has already granted leave to file suit without payment of filing fees. The plaintiff has already filed his list of documents he intends to use in this suit. He has also filed list of witnesses and his requirements from the court.

He is now seeking orders that the defendants do prepare their documents so that the suit can proceed.

There is provisions of order 11 Civil Procedure Code headed re-trial, Directions and Conferences.

Pre-trial questionnaire is to be completed and filed and filed and served within 10 days of close of pleadings. The court shall within 30 days after close of pleadings convene a case conference for consideration of prescribed matters.

These are matters that must be completed by both parties and court.

I do not see the plaintiff having commenced these proceedings. The defendants have not taken part in proceedings under this order.

Let the defendants file their documents and thereafter apply for pre-trial proceedings in order to proceed fast towards hearing of the case.

The defendants are therefore ordered to file their documents and to comply with new rules which took effect in year 2010 within next 14 days from today.

Dated and delivered this 23rd day of March, 2012

J.N. KHAMINWA

JUDGE

Mr. Ndolo

For 1st defendant I say we have not been served with the plaint or summons to enter appearance but we were served by registered post.

Plaintiff

I deny the allegation of non service. I served them through the process server.

Court Order

Plaintiff asserts that he has served the 1st defendant denies proper service.

The order is therefore that the process server of this court shall prepare the documents for service upon the 1st defendant within next 7 days without charge on the plaintiff. Registrar to organise the service.

J.N. KHAMINWA

JUDGE