



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT EMBU**

**CIVIL APPEAL 56 OF 2008**

**JOYCE KAGECHI GICHUIYA.....PLAINTIFF**

**VERSUS**

**ELISEVA PROTASIO NJAGI.....1<sup>ST</sup> DEFENDANT**

**BERNARD NDWIGA NJAGI.....2<sup>ND</sup> DEFENDANT**

**JOHN NJUE NJAGI.....3<sup>RD</sup> DEFENDANT**

**DIRECTIONS**

I have studied the file. It's clear the Defendants have been served but there is no entry of appearance nor filing of defence. I have had the opportunity of reading through the affidavit of service sworn on 4/8/2011. Paragraph 3 explains how the 2<sup>nd</sup> Defendant's wife told the Deponent of the whereabouts of the 2<sup>nd</sup> Defendant. What happened next is explained in the following paragraphs. Paragraph 7 and 8 explains it well. I find that the Deputy Registrar had no good reason for rejecting it.

Being a land matter I direct that it be listed for hearing.

**DATED, SIGNED AND DELIVERED AT EMBU THIS 26<sup>TH</sup> DAY OF JUNE 2012.**

**H.I. ONG'UDI**

**JUDGE**

**In the presence of;**  
**Mr. Njage for Plaintiff**  
**Njue – C/c**