



**REPUBLIC OF KENYA**

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

**CIVIL CASE 74 OF 2010**

**MURUAKI FARMERS CO-OPERATIVE LIMITED.....PLAINTIFF**

**VERSUS**

**MWANGI NJOROGI MWANGI.....DEFENDANT**

**RULING**

On 17th July, 2012, Mr. Mboga learned moved and submitted that prayer 3 was granted in error in my Ruling of 18th May 2012 as that prayer could only be granted at an ex parte hearing which was done in this case. The prayers to be granted therefore would be prayers 2 and 4 which would follow a hearing inter partes.

I have since looked at the application of 17th May 2011, and I entirely agree with Mr. Mboga. In exercise therefore of the discretion conferred upon this court by Section 99 of the Civil Procedure Act, (Cap. 21, Laws of Kenya), prayers granted in the Ruling of 18th May 2012 are prayers 2 and 4 of the Applicant's Amended Notice of Motion dated and filed on 17th May 2011.

It is so ordered.

Dated, signed and delivered at Nakuru this 20th day of July, 2012.

**J. ANYARA EMUKULE  
JUDGE**