



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

**AT MOMBASA**

**CIVIL SUIT NO. 302 OF 2008**

**MARNIER PIERRE ANDRE ROGER .....PLAINTIFF**

**VERSUS**

**ALEX MUTHAMI NDUNGI .....DEFENDANT**

**RULING**

The Defendant entered appearance on 10.11.2010 through the firm of M/s Charles Kioko, Munyithya & Co. Advocates.

On 21<sup>st</sup> the firm of Alando & Co. Advocates filed a Notice of Change of Advocates for the Defendants and also a defence on 25.11.2008.

On 26<sup>th</sup> November 2008 the previous firm filed another Defence. The second defence is an abuse of the court process. It is hereby struck out as it is superfluous and filed by a firm who had no authority to do so at the time unless the notice of change by Alando & Co. Advocates is challenged.

The first defence is properly on record and cannot be struck out in the circumstances,

The Defendant shall pay the cost of the application dated 27.07.2009.

**Dated and delivered at Mombasa this 11th day of FEBRUARY 2011.**

**M. K. IBRAHIM**  
**J U D G E**