



expired. In addition, the affidavit filed in support of the application herein does not give particulars of dates on which attempts to serve summons were made. At the same time, attempts to serve summons as deponed in the affidavit were only made on the 3<sup>rd</sup> defendant. No indication was given on attempts to serve the other two defendants.

In my view, the plaintiff's advocate has been in indolent in serving the summons. However, in view of the provisions of Article 159(2) of the Constitution of Kenya 2010, wherein courts are enjoined to administer substantive justice, I will grant extension of the summons. This will give the plaintiff an opportunity to prosecute this case. However, the plaintiff and his advocate should show seriousness in serving summons and prosecuting the case.

Consequently, I allow the application and grant the orders sought.

Dated and delivered at Nairobi this 21st day of July 2011.

.....

**GEORGE DULU**  
**JUDGE**

**In the presence of**

No appearance for the plaintiff

No appearance for the defendants

C Muendo – court clerk