



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

Civil Case 63 of 2011

**FREDRICK KIURA NYAGA.....1<sup>ST</sup>**  
**APPLICANT**

**WAWERU MUGO RIMUNYA.....2<sup>ND</sup>**  
**APPLICANT**

**ERNEST MUGO KIVUTI.....3<sup>RD</sup>**  
**APPLICANT**

**VERSUS**

**JUSTINO NJUE M'MBUCHI & OTHERS.....1<sup>ST</sup>**  
**RESPONDENT**

**R U L I N G**

This is the Notice of Motion (exparte) under Order 5 Rule 17 Civil Procedure Rules for substituted service. The Application is supported by affidavit of Fredrick Kiura Nyaga one of the Applicants herein.

He depones that they do not know some of the Respondents who are from outside Mbeere Community. They got their names from the Lands Registry after searches were done. They therefore pray the court allows for service of the Originating Summons by Advertisement in the DAILY NATION NEWSPAPER.

I am satisfied that personal service may not be possible in the circumstances raised in the affidavit.

I therefore direct that the Respondents be served through a clear conspicuous advertisement in the DAILY NATION on a working day. The Respondents will be expected to enter appearance within 21 days of the said advertisement. Orders accordingly.

**DATED, SIGNED AND DELIVERED IN OPEN COURT AT EMBU THIS 18TH DAY OF  
OCTOBER 2011.**

**H.I. ONG'UDI**  
**JUDGE**