

**REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (NAIROBI LAW COURTS)**

Civil Suit 307 of 1994

FARMERS INDUSTRY LIMITED.....PLAINTIFF

Versus

KENYA INDUSTRIAL ESTATES LIMITED.....DEFENDANT

RULING

From what has been brought to my attention following hearing before me on 18th February 2010, the Defendant/Applicant's chamber Summons dated 1st September 2008 is hereby dismissed for the following reasons:

Firstly, the Applicant failed to comply with Order L Rule 1 of the Civil Procedure Rules.

Secondly, applicant is relying on dates 9th and 10th November 2004 as the last hearing dates yet fails to respond to the Respondent's Replying Affidavit mentioning dates as late as the year 2007 and alleged subsequent events.

The Applicant will pay costs of this Chamber Summons to the Respondent.

Dated this 19th day of March 2010.

J.M. KHAMONI

JUDGE