



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

Civil Case 103 of 2008

**KENYA ANTI-
CORRUPTION
COMMISSION.....
.....
.....APPLICANT/
PLAINTIFF**

VERSUS

**MOSES C.
RUTO.....
RESPONDENT/DE
FENDANT**

RULING

This is an application under **Order 10 rule 11(2)** of the **Civil Procedure Rules** for orders directed to the respondent to make discovery on oath of the documents in his possession or power relating to the matter in question in this suit. That that discovery be made within seven (7) days of the date of the order or within such a time as the court may determine. It is alleged that whereas the applicant has made discovery by filing and serving on the respondent the list of documents in its possession, the respondent has failed and/or refused to make discovery of the documents in his possession or custody. That it is in the interest of justice to compel the respondent to make discovery.

The application was served together with the hearing notice on the respondent who has not responded. There was also no attendance by him or his counsel at the hearing of this application.

The respondent filed a statement of defence on 21st November, 2008 and while the applicant filed its list of documents on 15th December, 2008, the respondent has not himself done so.

In view of the nature of the suit, it is my opinion that this is a suitable case for an order for discovery. It is ordered that the respondent shall make discovery within fourteen days from the date of this order.

Costs of this application to be borne by the respondent.

Dated, Signed and Delivered at Nakuru this 31st day of May, 2010.

**W. OUKO
JUDGE**