



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**LAND AND ENVIRONMENTAL LAW DIVISION**  
**CIVIL SUIT (ELC) NO.13 OF 2007**

**KENYA ANTI-CORRUPTION COMMISSION.....PLAINTIFF**  
**VERSUS**  
**REBECCA NJERI KARANJA.....1<sup>ST</sup> DEFENDANT**  
**PHILLIP NJUGUNA.....2<sup>ND</sup> DEFENDANT**  
**WILSON GACANJA.....3<sup>RD</sup> DEFENDANT**

**RULING**

1. By a notice of motion dated 12<sup>th</sup> August, 2010, the Kenya Anti-Corruption Commission, who is the plaintiff herein seeks to have the defence dated 17<sup>th</sup> May, 2007 filed by the 2<sup>nd</sup> defendant, Phillip Njuguna struck out, and judgment entered in favour of the plaintiff as prayed in the plaint.
2. On 16<sup>th</sup> June, 2009, the court ordered the 2<sup>nd</sup> and 3<sup>rd</sup> defendants to make discovery on oath of the documents which are or have been in their possession or power relating to any matter in question. The defendants were further ordered to make the discovery within 30 days from that date. The plaintiff now contends that the 2<sup>nd</sup> defendant has failed to comply with the court order.
3. Although the 2<sup>nd</sup> defendant was served with 3 applications, the 2<sup>nd</sup> defendant did not file any reply to the application nor attend court for the hearing of the application. In the circumstances, in exercise of the powers conferred under Order X Rule 20 of the Civil Procedure Rules, this court orders that the defence filed by the 2<sup>nd</sup> defendant on 17<sup>th</sup> May, 2006, be struck out and judgment be entered in favour of the plaintiff as prayed in the plaint.  
Orders accordingly.

**Dated and delivered this 26<sup>th</sup> day of November, 2010**

**H. M. OKWENGU**  
**JUDGE**

In the presence of: -  
Kagucia for the plaintiff/applicant  
Advocate for the defendant/respondents absent  
B. Kosgei - Court clerk