



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

ELC. CASE 1784 OF 2007

HENRY ORYEM OKELLO.....1ST PLAINTIFF

ERISANWERO OPIRA.....2ND PLAINTIFF

VERSUS

SUKHDEV SINGH LALY.....DEFENDANT

LAZARUS KIBUI NDEGWA.....APPLICANT

RULING

As gathered from the pleadings the record is as follows:

16.12.08

Coram: Kubo J.

Ruoro – Court Clerk

D. G. Njoroge for Panekh for Plaintiff

K. Mugure for Applicant/Interested Party

No appearance for Defendant

Mr Mugure

Interested Party/Applicant filed submissions on 10th December 2008 on Chamber Summons dated 18th June 2008.

Defendant filed submissions on 4th December 2008.

Njoroge

My instructions not clear. Mr. Parekh's brother died last night and I do not have Mr. Parekh's file on the case.

Court

Oral submissions on 12th May 2009.

Signed

When the parties appeared before me on 12th May 2009 the appearances were as follows:

Coram: Osiemo J.

Mr. Parekh for Plaintiff

Mr Mwaniki for Defendant

Mr Oukolea for interested party

Court Clerk – Shikumo

Mr Mwaniki: Submissions have been filed. We request for the date for the ruling of the two Applications.

Osiemo J.

Court

Matter go to 8th June 2009 for the ruling of the two Applications.

Osiemo J

But on perusal of the court record it is apparent that the matter was on 16th December 2008 stood over to 12th May 2009 for oral submissions but when the parties appeared before me on 12th May 2009, they informed me that submissions have been filed on the two Applications and sought for the date of the ruling.

First this was a departure from the order of the court of 16th December 2008 which had ordered oral submissions. Secondly on perusal of the record, those submissions cannot be traced. The parties ought to have addressed the court on the said two applications whose dates have not been shown.

For the above reasons I am unable to write the ruling. I order that the parties do submit orally in court in respect of the said two matters.

Those are the orders of this court.

Dated and delivered at Nairobi this 23rd day of June 2009.

J. L. A. OSIEMO

JUDGE