

REPUBLIC OF KENYA

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

Civil Suit 313 of 2009

RTD JUSTICE AARON RINGERA. PLAINTIFF

VERSUS

THE STANDARD LIMITED.DEFENDANT

R U L I N G

The defendant seeks adjournment to enable them file a fully informed replying affidavit. It is on record that they were served on Thursday 14 – about five days ago but have not filed the replying affidavit. However in the meantime the Defendant after being so served, went ahead to publish further material on the Sunday Standard, material contended to be as harmful as those complained of. The plaintiff fears that unless some interim orders are made stopping further harmful publication, the Defendant will continue to publish.

On the other hand the Defendant seeks more time to file a responding pleadings. I have considered the delicate situation. It is my view that the Defendant should be given ample opportunity to file a replying affidavit to enable the court decide on the issue of injunctions on sufficient material. On the other hand the Defendant should not be left lose to publish more material contended to be harmful before the application is fully argued.

In the above circumstances the Defendant should in the interim be prevented from publishing further contentious material.

ORDERS

1. The Defendant is given leave to file a replying affidavit within 10 days of today.
2. Plaintiff/Applicant at liberty, after such service to file a supplementary affidavit limited to the replying affidavit so served within 7 days.
3. Interim injunction in terms of prayer 3 of the application dated 10th June, 2009 is hereby granted pending inter partes hearing of the application.
4. Inter partes hearing on 2nd July, 2009.
5. Certified copy of these orders be issued to parties on requisite payment.

Dated and delivered at Nairobi this 16th day of June, 2009.

D A ONYANCHA

JUDGE