



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT**  
**AT NAIROBI**  
**MILIMANI LAW COURTS**  
**Civil Case 178 of 2008**

**DR JASWINDER SIAN HULSMAN.....1<sup>ST</sup> PLAINTIFF/ RESPONDENT**

**DR. MICHAEL SCHMIDT HULSMAN.....2<sup>ND</sup> PLAINTIFF/ RESPONDENT**

**Versus**

**MY SCHOOL (MONTESSORI) LIMITED.....1<sup>ST</sup> DEFENDANT/APPLICANT BIJAL R. SHAH.....2<sup>ND</sup> DEFENDANT/APPLICANT**

**RULING**

Having carefully considered the Defendants/Applicants written submissions dated 11<sup>th</sup> November 2009 in support of their Application by Chamber Summons dated 24<sup>th</sup> June 2009; and the Plaintiffs/Respondents written submissions dated 24<sup>th</sup> November 2009 in opposition to aforesaid Chamber Summons the said Chamber Summons be and is hereby dismissed with costs to the Plaintiffs/Respondents for the following reasons:-

Firstly, I do not find the pleadings scandalous, frivolous or vexatious;

Secondly, I do not find the pleadings an abuse of the process of the court;

Thirdly, parties through their written submissions are introducing evidence contrary to Order VI Rule (2) of the Civil Procedure Rules;

Fourthly, the pleadings raise important and weighty legal points proper to be considered for a resolution during the trial in the main suit.

Dated this 27<sup>th</sup> day of November 2009.

J. M. KHAMONI

JUDGE