



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

**Divorce Cause 84 of 2008**

**RDM..... P ETTIONER**

**V E R S U S**

**EMG..... RESPONDENT**

**R U L I N G**

This is an application by way of Chamber Summons dated 11<sup>th</sup> June, 2009, filed by Ndung'u Omwanza & Nyasini advocates for the petitioner/applicant. It is an application for substituted service brought under Order V Rule 17 of the Civil Procedure Rules and section 3 A of the Civil Procedure Act (Cap. 21). It is an application for substituted service on the respondent named as **EMG**

The application is supported by an affidavit sworn by the advocate representing the applicant, **JNM** advocate on 11<sup>th</sup> June, 2009. It was deposed in the said affidavit that attempts to serve the respondent in the normal manner have not been successful but that the court had directed that the service be effected afresh. The respondent cannot however be traced.

Having considered the application, the documents filed and submissions of counsel for the applicants, I allow the application for substituted service and order that the respondent be served by way of advertisement in the Daily Nation newspaper once.

Dated and delivered at Nairobi this 12<sup>th</sup> day of November, 2009.

**George Dulu**

**Judge.**