



**REPUBLIC OF KENYA**

**IN THE HIGH COURT**

**AT NAIROBI**

**MILIMANI COMMERCIAL AND ADMIRALTY DIVISION**

**Civil Appeal 275 of 2003**

**MARGARET SOARES.....PLAINTIFF**

**VERSUS**

**JANE OTIENO.....DEFENDANS**

**RULING**

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Application dated 15/6/2006 brought under **Section 3A Civil Procedure Act Cap 21 Section 100. Order 6A, 3, 2, 5, 8** (amended without objection).

The orders are to add Afro Haliton Co. Ltd. as a party to this suit. The application is supported by affidavit of Margaret Soares and on ground that there was a bonafide mistake and the additional party is necessary to the determination of the real matter in dispute.

The defendant has filed grounds of opposition.

I have read the same. The court has power to allow amendments including adding parties to the suit even under **Order 1 rule 10. Order 6A** also empowers court to allow amendments at any time before judgment.

I am convinced that there was error and that the defendant shall not be prejudiced; In the circumstances, I allow application. The plaintiff shall amend the plaint to include the company as a defendant and shall file the same and serve on the new parties who shall proceed to file defence within the next 21 days of service.

The defendant is awarded Kshs.5,000/= costs.

Adding the new party as defendant and shall serve upon the company who shall enter appearance after 15

days and file defence after usual time.

Orders accordingly.

**Dated, Signed and delivered at Nairobi** this 6<sup>th</sup> day of November, 2009.

**JOYCE N. KHAMINWA**

**JUDGE**