

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

Civil Case 79 of 2008

WANJUKI MUCHEMI PLAINTIFF

VERSUS

HEADLINK PUBLISHERS LIMITED DEFENDANT

RULING

The weekly Citizen, which is a weekly newspaper run several articles during the months of February and March this year, in which they claimed to have revealed ‘shocking’ on-goings at the Kenyan Solicitor General’s office. Being aggrieved by the same the Solicitor General initially instituted a suit against Headlink Publishers Ltd., (the respondent/company), who it is said is the publisher of the said weekly.

He simultaneously moved this court in an application in which he seeks orders to restrain the said company from publishing, circulating or disseminating in any manner whatsoever any further articles concerning him or his business or any matter affecting or relating to him pending the hearing and determination of the application.

The court declined to hear him ex-parte at the first instance and he was ordered to serve it for inter-partes hearing.

His counsel appeared before me yesterday and urged me to grant his client a restraining order in the above terms, save that it would apply pending the hearing and determination of the suit, not only because his application was meritorious but that though served, it had not been opposed by the company.

It is evident that though served, the company did not file any pleadings in objection, nor was it represented during and in my view the application is unopposed. I have nevertheless perused the application and the supporting affidavit and I form the opinion that the applicant has a prima facie case with high chances of success. The issues raised in the articles are serious. They not only touch on his person, credibility and reputation but also on his profession, damages would thus not be an adequate remedy.

I do find that the application is meritorious and do grant him the order which he seeks. Costs shall however be in the cause.

Dated and delivered at Nairobi this 19th day of March 2008.

JEANNE GACHECHE

Judge

Delivered in the presence of:

Mr. Mwenda for the Applicant

No appearance for the Respondent