



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**MISCELLANEOUS APPLICATION 881 OF 2007**

**JOHN KARIUKI MATHUKO .....APPLICANT**

**V E R S U S**

**THE HON THE ATTORNEY GENERAL.....RESPONDENT**

**R U L I N G**

This is an application (by chamber summons dated 14<sup>th</sup> November, 2007) for an order that the Applicant be allowed to file two suits as a pauper against Thika Municipal Council and against other persons arising out of **Makadara PM Criminal Case No. 368 of 2001**. The Applicant has also sought transfer of **Thika CMCC No. 1244 of 1998** to this court. That application for transfer ought to be made separately so that the other parties in that suit can be served with the application. It was not proper for it to be made together with the other two prayers, and I hereby strike out that prayer.

I have considered the application, having read the supporting affidavit and having heard the Applicant. There was no appearance for the Respondent who had been duly served. Nor were any papers filed in response to the application. On 9<sup>th</sup> July, 2004 the Applicant was declared a pauper for purposes of two suits pending before this court, which are **HCCC No. 303 of 1991** and **HCCC No. 2389 of 1994**. This was vide **Nairobi High Court Misc. Application No. 533 of 2004** (Nyamu, J).

I examined the Applicant on 2<sup>nd</sup> of April, 2008 at the hearing of the present application. It appears his circumstances have not changed for the better since July, 2004. He is still a pauper. I therefore do not find any reason to deny him the order sought that will enable him to file the two intended suits as a pauper. I will declare him a pauper for purposes only of bringing the two intended suits. The order granted now should not be mistaken for leave to bring the intended suits out of time if they are, as it appears they might be, out of time.

There will be no order as to costs of the present application. It is so ordered.

**DATED AT NAIROBI THIS 22<sup>ND</sup> DAY OF APRIL, 2008**

**H. P. G. WAWERU**

**J U D G E**

**DELIVERED AT NAIROBI THIS 25<sup>th</sup> DAY OF APRIL, 2008**