

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT EMBU
MISCELLANEOUS CASE 24 OF 2007

NJOKA NAMU.....APPLICANT

VERSUS

BENSON MWAURA.....RESPONDENT

RULING

Chamber Summons dated 16th January 2008 seeks to set aside orders made in this matter on 1/10/2007. On the ground that the service was not adequate and the applicants counsel was engaged in Nairobi High Court on prior appointment. The application before court was under order 36 rule 3 C and Section 27 Cap.22 Laws of Kenya.

I have examined the said provisions and it is therein expressly provided that the Application shall be exparte. No notice was therefore required.

I find the application to be without merit. The same is dismissed with costs to Respondent.

Dated this 7th April, 2008.

J. N. KHAMINWA

JUDGE