

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (NAIROBI LAW COURTS)
Misc Appli 429 of 2007

JOSEPH KIMANI KARIUKI APPELLANT

Versus

GRACE WANJIRU MWANGI RESPONDENT

RULING

From what Mr. Arum for the Applicant and Mr. Kirori for the Respondent are saying during the hearing of this Notice of Motion dated 10th July, 2007, I find no merits in the said Chamber Summons which is hereby therefore dismissed for the following reasons among others:

Firstly, the Applicant has exhibited no evidence of his application for proceedings. Secondly, he has exhibited no evidence from the court Registry to confirm that indeed the court case file had got lost after the court ruling in question had been made. Thirdly, he has exhibited no certificate of delay from the court at Gatundu to include the information that he paid for proceedings before 16th May, 2007 and the relevant file copy of the receipt got lost to-date even though the original court case file is available.

The above being the position, the Applicant to pay costs of the application to the Respondent.

Dated this 20th day of May, 2008

J.M. KHAMONI

JUDGE