

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (NAIROBI LAW COURTS)
Civil Case 1857 of 2007

CHARLES MUYA KABIRA PLAINTIFF

VERSUS

JACKSON SANKO KAPANDE RESPONDENT

RULING

ON DIRECTIONS APPLICATION 18.4.2008

UNDER ORDER XXXVI r 8a, 12 CPR

I: Procedure

1. The subject of the main suit is Adverse Possession for Land LR Ngong/Ngong/10555.

2. The defendant Jackson Sanko Kapande was not traced. His whereabouts is unknown. The plaintiff, Charles Muya Kabira applied for substitutive service which was duly granted to serve by alternative means on 9 February 2007 (Aluoch J). The plaintiff advertised in the Times Newspapers. This court directed that there be further service by way of substantive service in the Nation Newspaper or the Standard Newspapers.

3 The plaintiff duly complied. The advertisement having been duly effected, the defendant/respondent having failed to enter appearance and file reply, the plaintiff filed application dated 18 April 2008 seeking this courts direction^[1].

II: Application 18 April 2008.

4. This court hereby gives directions that the Originating Summons herein be heard by way of affidavit evidence submissions.

5. That this case be set down for hearing in registry. The costs be in the cause.

DATED THIS 5TH DAY OF JUNE 2008 AT NAIROBI.

M.A. ANG'AWA

JUDGE

W.K. Gathogo instructed by Wambugu Motende & Co. Advocates for the plaintiff/applicant - present

Jackson Sanko the defendant in person -absent

[1] IXA R 8, IXB;

XXXVI R 8A, 12 CIVIL PROCEDURE RULES