

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI (MILIMANI COMMERCIAL COURTS)

Civil Suit 698 of 2001

MARK RAYS EAST AFRICA LIMITED.....PLAINTIFF

VERSUS

KENYA INDUSTRIAL ESTATES LIMITED.....DEFENDANT

R U L I N G

This is an application to amend the plaint dated 4th October, 2006. The amendment sought is to specify the special damages sought.

I have looked at the original plaint filed in court on 14th May, 2001, against the draft amended plaint annexed to this application. I note that the draft amended plaint has been underlined in red ink as required under the rules. However, I noted further that not all sections requiring to be underlined in the amended plaint were captured. For instance in paragraph 11, certain sections of the paragraph are not found in the original plaint yet they are not underlined.

That being the case, the annexed draft amended plaint is defective and should be struck out which I hereby do. The Applicant has no feet to stand on and is also struck out with no order as to costs as the application was unopposed.

Dated at Nairobi this 9th day of October, 2008.

LESIIT, J.

JUDGE

Read, signed and delivered in open court:-

N/A for Mr. Macharia for Applicant

N/a for Mr. Mburugu for Respondent

LESIIT, J.

JUDGE