



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT MALINDI**

**Civil Case 30 of 2006**

**PROF SAMSON KEGENGO ONGERI ..... PLAINTIFF**

**VERSUS**

**THE TOWN COUNCIL OF KILIFI ..... DEFENDANT**

**R U L I N G**

The 3<sup>rd</sup> party notice is a proceeding against the Government.

The law requires that the 3<sup>rd</sup> party enter appearance. In default judgment to be taken.

Judgment against the government will of course will be by leave of the court.

In effect of the 3<sup>rd</sup> party proceeding is a suit in this context against the Government. It is one of the cases to be referred to the Chief Justice courtesy of L.N. 300 of 19.1.2007.

Accordingly I refer the matter to the Chief Justice for directions on 30.3.2007 or any other day convenient to the Chief Justice.

Costs be in the cause.

DATED and delivered at Malindi this 27<sup>th</sup> day of February 2007.

**N.R.O. OMBIJA**

**JUDGE**

Read in the presence of Onyango for the 1<sup>st</sup> defendant/applicant.