



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

CIVIL CASE 1078 OF 2006

JAYANTILAL DHARAMSHI GOSRANIPLAINTIFF

VERSUS

**J.B. HAVELOCK L.W. MURIUKI & S.S. RAVAL ALL t/a HAVELOCK MURIUKI & RAVAL
ADVOCATES**

**(Successor to Mcvicker & Muriuki Advocates)
.....DEFENDANT**

RULING

1: The background of the application of 7 March 2007

1. The plaintiff herein Jayantilal Dharamshi Gorrani, sues the parties in the law firm of Havelcok, Muriuki & Rawal Advocates for professional negligence.
2. One of the parties Havelcok applies to this court to have his name and or the firms names struck out on grounds that the said negligent act was said to have been committed when he had not yet been a partner to a former firm of M/s Mc Vicker & Muriuki Advocates .
3. The suit is said to be subject to Order XXIX of the Civil Procedure Rules as well as the partnership Act.
4. That there is another matter being miscellaneous cause 573/2006 that may be prejudice by this matter.

II The Finding

5. Under the Partnership Act the parties who are partners at the time liability arose are the ones liable and responsible for any acts therein.
6. I accordingly allow this application in the alternative and struck out the name of J.B. Havelock from these proceedings.
7. I do not have affidavits for the other two partners and therefore make no findings.

Dated this 19th day of June 2007 at Nairobi.

M.A. ANG'AWA

JUDGE

J.W.. Kimiti for Rumba Kinuthia & Co. Advocates for the plaintiff

J. Kibet for. Kibet & Co. Advocates for the defendant