

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT ELDORET

Civil Suit 156 of 2002

SALANI ENTERPRISES LTD:.....PLAINTIFF

VERSUS

GEOFFREY JOSIAH K. RONO:.....DEFENDANT

RULING

The applicant seeks for leave from the court to amend his amended statement of defence and counterclaim and the draft amended amended defence to be deemed as properly and duly filed on payment of the court fees.

I have carefully considered the application and the grounds of objection. Indeed this is a 2002 case and should be disposed off quickly. However hearing of the case has never started. The law allows pleadings to be amended at any time before hearing is concluded. The applicant from the averment of his counsel who has sworn supporting affidavit what to clarify the parties as there was confusion as to who the counsel is appearing for. I don't think that's that granting of this application will be prejudicial to the respondent neither do I think that it has been brought too late. It is not an abuse of court process. In the circumstances I allow the application and grant leave to the applicant to amend his amended defence. The amended amended statement of defence be filed within 15 days from today's date which means prayer (b) is not granted.

Applicant to pay costs of this application to the respondents.

Dated and Delivered at Eldoret this 19th day of June,2007

KABURU BAUNI

JUDGE