

REPUBLIC OF KENYA

HIGH COURT OF AT NAIROBI (MILIMANI LAW COURTS)

CIVIL CASE 124 OF 2005

HANIEL MUGO MURIUKI (Suing as the Administrators of the Estate of

DAMARIS MURIUKI WANJIRU).....PLAINTIFF

VERSUS

MORRIS MAINA NJARAMBA.....DEFENDANT

RULING

By this Chamber Summons dated 5th February 2007 and expressed to be brought under Order V R 17 of the Civil Procedure Rules the Plaintiff seeks leave to effect service upon the Defendant by way of an advertisement in the Daily Nation Newspapers and that the costs of this application be awarded to the Plaintiff in any event. The application is based on the ground that the Plaintiff has made futile attempts to effect service of process at the Railway Station, the Bus Station and at Kangemi where the matatu terminus are located.

The application is also supported by an affidavit sworn by Hudson Ongach Mbogani a process server duly authorized to serve process showing the numerous dates he tried to trace the Defendant but to no avail.

In the circumstances the only way out is substituted service and I allow the Plaintiff's application in terms of Prayers 1 and 2 of the Chamber Summons dated 5th February 2007.

Dated and delivered at Nairobi this 18th day of July 2007.

J.L.A. OSIEMO

JUDGE