

**REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (NAIROBI LAW COURTS)**

Misc Civil Appli 1235 of 2005

LUBULELLAH & ASSOCIATES, ADVOCATES.....APPLICANT

VERSUS

JAMES AMALEMBA ATEMA1ST RESPONDENT

THERESA SALASIA ATEMBA.....2ND RESPONDENT

RULING

This is an ex parte Chamber Summons application dated 23rd November 2006 expressed to be brought under Section 3, 3A and 63 of the of the Civil Procedure Act in which the applicant seeks leave to serve the Bill of Costs, Notice of Taxation on the Respondents by substituted means of Registered Post and that costs of this application be provided for.

The application is supported by an affidavit sworn by Wilfred A. Mutubwa on 23rd November 2006 in which he avers that efforts to serve the Respondents has been futile since locating their whereabouts has been almost impossible; that attempts to make telephone calls to the Respondents have gone unanswered and that the orders sought in this application will ensure an expeditious settlement of the issue of service and have the Bill taxed.

Having considered the application and the affidavit in support I find it meritorious and the same is allowed in terms of Prayers 1 and 2 of the ex parte Chamber Summons dated 23rd November 2006.

Dated and delivered at Nairobi this 17th day of July, 2007.

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J.L.A. OSIEMO

JUDGE