

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (MILIMANI COMMERCIAL COURTS)
CIVIL CASE 226 OF 2003

SHAKOR KHER MOHAMED ALI HIRJI PLAINTIFF/APPLICANT

versus

HOUSING FINANCE CO. LTD 1ST DEFENDANT/RESPONDENT

WATTS ENTERPRISES 2ND DEFENDANT/RESPONDENT

RULING

In this Chamber Summons dated 11th July 2007, the Applicant/Plaintiff seeks leave to "re-amend the Amended Plaintiff filed herein in the manner shown in the draft Re-amended Plaintiff annexed herewith." The Applicant wants the re-amended plaintiff he has annexed herewith be deemed duly filed and served on the parties to the suit. He further wants costs of this application be in the cause.

Grounds in support are on the face of the application which is also supported by the affidavit of Sharok Kher Mohamed Ali Hirji sworn on 11th July 2007.

During the hearing an important question arose as to what a person holding a power of Attorney can be and do in a suit and I gave the two learned counsels in this matter, Mr. Machio and Mr. Sagana time to bring relevant authorities on the issue. But when hearing resumed on the date I had given them, I found they had nothing worthy while. I therefore find no need to pursue that issue in this ruling.

Otherwise the opposition raised by the Respondent against the intended amendment is not merited.

Accordingly, this Chamber Summons is hereby granted as prayed.

Dated this 22nd Day of October 2007.

J. M. KHAMONI

JUDGE