



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

Civil Case 1178 of 2006

1. Land and Environment law Division
2. Civil Practice and Procedure
3. Application for leave to file by way of substitutive service
4. Subject of main suit is Adverse Possession.
5. Held:

I: Leave be granted by way of substitutive service.

6. Case law - Nil

7. Advocates:

D. V. Matini holding brief for S. Kamere of Kamere & Co. Advocates for the plaintiff/applicant –present
Directors Mukinye Enterprises not represented for defendant/Respondent –absent

NYONIA GIAKWA HOLDINGS LTD.....PLAINTIFF

VERSUS

MUKINYE ENTERPRISES LIMITED.....DEFENDANT

RULING

I: Application dated 11 June 2007

1. The applicant plaintiff has filed this originating summons for prayers of Adverse Possession for the defendant. He is not able to trace the said defendant.

2. The application of 11 June 2007 seeks prayer for substitutive service on grounds that the defendant cannot be traced including through the last known address.

3. I hereby grant the application and orders that:-

- i) There be substitutive service upon the defendant by way of:
 - a) Advertisement in the Tuesday Daily Nation Newspapers and the Thursday Standard News papers.
- 4. The costs will be in the cause.

Dated this 17 October 2007 at Nairobi.

M.A. ANG'AWA

JUDGE

D. V. Matini holding brief for S. Kamere of Kamere & Co. Advocates for the plaintiff/applicant –present
Directors Mukinye Enterprise not represented for defendant/Respondent –absent