

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT KAKAMEGA

Civil Case 37 of 2002

JAMES BANDI MATIA PLAINTIFF

VERSUS

MUMIAS OUTGROWERS CO. LTD. DEFENDANT

RULING

The Plaintiff, James Bandi Matia, is represented in this suit by a firm of Advocates, namely, Kahi & Company. The said firm went on record for the plaintiff on 28-4-2004. Prior thereto, the Plaintiff acted in person and had on 10-5-2002 filed a Chamber Summons dated 8.4.2002 seeking an order that defence filed in Kakamega H.C.C.C. No. 95 of 2001 be struck out. That suit (95/2001) was originally in the lower court as Kakamega C.M.C.C. No. 441 of 2001 and was transferred to this court by an order of this court dated 1st March 2002. It is now the present suit No. 37 of 2002.

On 26/5/2002, the Plaintiff filed an amended Chamber Summons dated 16.5.2002 seeking to have the defence in this case struck out. There was no leave of court allowing the amendment. In the circumstances, the amended Chamber Summons is incompetent and is truck out with no order as to costs.

Dated at Kakamega this 11th October, 2007.

G. B. M. KARIUKI

J U D G E