



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NAIROBI (MILIMANI COMMERCIAL COURTS)**

**Civil Case 154 of 2001**

**NAKUMATT HOLDINGS LTD. ....PLAINTIFF**

**VERSUS**

**SUNNY STYLE MANUFACTURERS LTD. ....1<sup>ST</sup> DEFENDANT**

**INTERFASHION MANUFACTURERS LTD. ....2<sup>ND</sup> DEFENDANT**

**RAMESH PREMCHAND SHAH .....3<sup>RD</sup> DEFENDANT**

**SHAH HIRJI MANEK LTD. ....4<sup>TH</sup> DEFENDANT**

**R U L I N G**

The plaintiff Nakumatt Holdings primarily seeks extension of the validity of Summons to enter appearance by its Chamber Summons lodged on 27/7/07. The application is expressed to be brought under the provisions of Order V Rule 1(2) (3) (4) and (5) of the Civil Procedure Rules, Section 3A, 63 (e) of the Civil Procedure Act and all enabling provisions of the law. The application is based upon the primary ground that the failure to serve the summons upon the defendant was due to the fact that the plaintiff did not have the proper address of the defendants.

The application is supported by an affidavit sworn by Kariuki Muiga, Counsel instructed by the plaintiff. It is deponed in the affidavit that initially summons were issued on 6.12.2001 and subsequently on 13.8.2002. The latter summons have since expired. It is also deponed that the advocates now have sufficient information as to the whereabouts of the defendants and it is fair and just that the summons be renewed.

Having perused the application and the supporting affidavit, I consider the explanation given for failure to serve the summons to be reasonable. The applicant prays that the summons be renewed for two more years. The period sought in my view would be rather long. I consider a period of six months to be reasonable. I will therefore extend the validity of the summons for a period of six (6) months from the date of delivery of this rulling. Costs of the application shall be in the Cause.

Orders accordingly.

**DATED and DELIVERED in NAIROBI this 7<sup>th</sup> day of 2007.**

**F. AZANGALALA**

**JUDGE**

Read in the presence of:- Nyakundi for the applicant.

**F. AZANGALALA**

**JUDGE**

7/12/07