



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (MILIMANI COMMERCIAL COURTS)
Civil Suit 261 of 2004

FULCHAND M. SHAH.....PLAINTIFF

VERSUS

PANACHAND J SHAH & OTHERSDEFENDANT

R U L I N G

The plaintiff's chamber summons application dated 16th march 2006 is brought under Order V Rule 21, 21 A (c) and 23 of the Civil Procedure Rules.

The plaintiff seeks leave of this court to serve the summons on the 4th and 6th Defendants out of this court's jurisdiction.

The plaintiff in his supporting affidavit stated that he instructed investigators to carry out investigation on the whereabouts of the said defendants and the investigator found that the said defendants are residents of the United Kingdom.

Having considered the plaint the court finds that this action falls within the categories of actions in Order V Rule 21 and therefore summons can be allowed to be effected outside this court's jurisdiction.

The court will therefore grant the following orders: -

- (1) That leave is hereby granted to the plaintiff to serve summons upon the 4th and 6th defendants out of the court's jurisdiction.**
- (2) The 4th and 6th defendant will enter an appearance in this matter within 30 days of service of summons.**
- (3) The costs of the chamber summons dated 16th March 2006 shall be in the cause.**

MARY KASANGO

JUDGE

Dated and delivered this 28th April 2006.

MARY KASANGO

JUDGE