



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (NAIROBI LAW COURTS)
Civil Suit 129 of 2005

KENYA REVENUE AUTHORITY.....PLAINTIFF

VERSUS

HEADLINK PUBLISHER LIMITED

PAUL KIMATHI T/A/ J.G. PRINTERSDEFENDANTS

RULING

The respondent being the purchaser and the printer respectively of the newspaper known as the **WEEKLY CITIZEN** on 8th January 2006 in its Vol.9 No.6 issue at their instance and instigation falsely and maliciously published and printed or caused to be published at the front page an article under the sensational heading **KRA BOSS** Mr. Waweru caught pants down in which they made highly defamatory statements concerning the plaintiff and its officer. The applicant filed this suit against the respondent for:

- (a) A permanent injunction restraining the Defendants by themselves, their servants, agents or otherwise from publishing, circulating or disseminating in any manner whatsoever any other or further articles concerning the plaintiff, its Commissioner General, Board of Directors and/or any of its officers or its business or matters directly affecting or relating to the plaintiff.
- (b) General damages for libel.
- (c) Damages on footing of aggravated or exemplary damages;
- (d) An apology and retraction in an article given the same prominence as the defamatory one;
- (e) Costs of the suit;
- (f) Interest on (b) (c) and (e) above at court rates;
- (g) Any other or further relief this Honourable Court may deem fit to grant;

The plaint was accompanied by a Chamber Summons application under Certificate of Urgency seeking injunctive similar to that sought in prayer 1 of the plaint (a) until the hearing and determination of this application and (b) until the hearing and determination of this suit.

The applicant appeared before Visram J on 13th February 2006. Prayer 2 of the application dated 10th

February 2006 was granted for 14 days and the hearing interparties was fixed for 22nd February 2006. The judge also made a further order that the application to be served. When the application came up for hearing, there was no appearance for the respondent and Miss Muchiri counsel for the applicant informed the court that the respondent had been served and a return of service filed but the respondent did not file any papers to oppose the application nor appear in court to oppose the application. She urged the court to grant orders sought in prayer 3 of the Chamber Summons dated 10th February 2006 until the hearing and determination of this suit.

Miss Muchiri informed the court that the respondent had published two separate articles before this matter came to court and the applicant was apprehensive of repetitive publication. She relied on the grounds as contained in the body of the Chamber Summons as well as the affidavit sworn by Michael Gitau Waweru the Chief Executive of the Plaintiff. She submitted that the suit has high Chances of success.

I am satisfied that this application is meritorious and being not opposed the same is allowed in terms of Prayer 3 and 6 of the Chamber Summons dated 10th February 2006.

Dated at Nairobi this 20th day of June 2006.

J.L.A. OSIEMO

JUDGE