

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT ELDORET

Civil Suit 56 of 2006

**KEIYO TEACHERS COOPERATIVE SAVINGS & CREDIT SOCIETY
LTD:.....PLAINTIFF**

VERSUS

- 1. ANDREW OJAL**
- 2. DISHON NDIMULI**
- 3. HOSEA BETT**
- 4. KENNEDY**

TOMNO :.....DEFENDANTS

ORDER

I have considered this application and the non-appearance of the Attorney General in court today. I have noted that they received the hearing notice under protest.

The hearing notice was served on 12th June,2006 at **NAIROBI**. This gives the A-G only 2 days. This Notice is not sufficient. It is also noted that at the last hearing Mr. Makongo, State counsel was present in court.

I do hereby take out the hearing of this matter and stand it over to **28TH JUNE,2006**. for hearing. The plaintiff is directed to serve the Attorney General at Eldoret as the address shown in the pleadings is the Attorney General's Chambers at Eldoret. I am made to understand that the Attorney General's chambers at **ELDORET** usually direct parties in Civil matters to serve the Attorney General at Nairobi. This practice is unacceptable, to this court. The Attorney General has an office in Eldoret as the legal Representative of the Government. The said office is deemed to have the authority to accept process emanating from all types of proceedings. It is quiet unfair, expensive and oppressive for litigants who are tax-payers to incur the extra cost of serving the Attorney General in Civil proceedings in all the way in Nairobi. The litigants in Eldoret have a right to be served by the Attorney General in Eldoret and it is discriminating and prejudicial that service on the Attorney General in Civil matters must be done in Nairobi. In my view, such practice or directive appears not to be backed by any legal provision or justification. The Attorney General's chambers at Eldoret shall reject or disregard service of process at Eldoret at its own peril.

GIVEN ON THIS 14TH DAY OF JUNE, 2006

M. K. IBRAHIM

JUDGE