

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA

AT NYERI

Civil Case 38 of 2004

KIURA KITHIURU.....1ST PLAINTIFF/RESPONDENT

Versus

CHARLES MURIUKI MUCHIRA.....DEFENDANT/APPLICANT

RULING

In the Chamber Summons dated 21st December, 2004, the Applicant's failure to file a defence has not been satisfactorily explained. Moreover although the Chamber Summons is dated 21st December, 2004, it was not filed until 5th May, 2005. Furthermore I am told the Applicant has filed a suit in the High Court at Nairobi concerning the same subject Matter as in this suit. In the circumstances this Chamber Summons fails and the same hereby dismissed with costs to the Respondent.

Dated this 15th day of June, 2006.

J. M. KHAMONI

JUDGE