



**REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NYERI**

Misc Appli 153 of 2004

**REPUBLIC.....
APPLICANT**

Versus

**THE REGISTRAR OF CO-OPERATIVE SOCIETIES.....1ST
RESPONDENT**

**THE COMMISSIONER SOCIETIES.....2ND
RESPONDENT**

EXPARTE

THIRIKU COFFEE GROWERS CO-OP SOCIETY LTD

WACHURI FARMERS CO-OP SOCIETY LTD

GATHAITHI FARMERS CO-OP SOCIETY LTD

GACHATHA FARMERS CO-OP SOCIETY LTD

GIAKANJA FARMERS CO-OP SOCEITY LTD

NJURIGA FARMERS CO-OP SOCIETY LTD

**GITHIRU FARMERS CO-OP SOCIETY
LTDAPPLICANTS**

R U L I N G

In this Notice of Motion brought under order L III Rule 3 (1) of the Civil Procedure Rules the applicants want an order of certiorari in the first prayer, an order of Mandamus in the second prayer and an order of prohibition in the third prayer. The Notice of Motion dated 17th September, 2004 was filed pursuant to leave granted on the 31st of August 2004 in Nyeri H. C. Miscellaneous Application No. 139 of 2004. Prayer number four is for costs.

According to process servers affidavits of service filed in the Court Case file, the Notice of Motion as well as the relevant hearing notice were duly served. The hearing notice for 16th May, 2006 can be said to have been served on 1st February 2006 although it had already been left with a Secretary in Mr. S. S. Orinas Office either on the 24th or 25th January, 2006, a period of not less than three and a half months to the hearing date.

But on that hearing date, 16th May, 2006, there was no appearance for the Respondents. But Mr. Muteithia, Counsel for the Applicants, proceeded with the prosecution of the Notice of Motion dated 17th September, 2004. What he said is not challenged in any way and having carefully considered it, I find no good reason to deny the Applicants the orders prayed for.

Accordingly, the Notice of Motion dated 17th September, 2004 is hereby granted as prayed

Dated, delivered and signed at Nyeri this 15th day of June, 2006.

J. M. KHAMONI

JUDGE