

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (NAIROBI LAW COURTS)

Civil Case 1321 of 2005

PIUS NGUGI.....PLAINTIFF

VERSUS

HELLEN FEAR.....DEFENDANT

RULING

In this Chamber Summons before me the plaintiff applies for

leave of this court to effect service upon the defendant through substituted service.

The application is based on the grounds that all efforts made to serve the defendant have been fruitless since the whereabouts of the defendant is not known. The application is also supported by an affidavit sworn by the plaintiff in which he avers that he purchased the suit land from the defendant in 1974 and was given vacant possession but since then her whereabouts is not known. The plaintiff has also annexed a letter dated 6th June 2006 detailing the efforts made by the process server to trace the defendant.

The plaintiff has demonstrated that all efforts to trace the defendant have been made with no avail and hence this application for leave to effect service through substituted service.

I allow the application in terms of Prayers 1 and 2 of the Chamber Summons dated 14th August 2006.

Dated and delivered at Nairobi this 8th day of November 2006.

J.L.A. OSIEMO

JUDGE