

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

Civil Suit 975 of 2003

SAMUEL OBONDI WANDIGA.....PLAINTIFF

VERSUS

KENYA WILDLIFE SERVICE & ANOTHER.....DEFENDANTS

RULING

The Applicant applies to strike out the 1st Defendant's defence on the grounds that it does not disclose a reasonable Defence.

Striking out a pleading is a remedy to be used sparingly. In this case the 1st Defendant denies it unlawfully terminated the Plaintiff's employment. It is open to the Plaintiff to apply for particulars as to how the employment was lawfully terminated but as pleaded it raises a triable issue.

With regard to malicious prosecution the 1st Defendant states it was not a party involved in the prosecution of the Plaintiff. This again raises a triable issue. In the result I dismiss this application with costs to the Respondent.

DATED and DELIVERED at NAIROBI on 17th February 2005

P.J RANSLEY

JUDGE