



IN THE HIGH COURT OF KENYA

AT NAIROBI

Civil Appeal 485 of 2005

ALITA GITHIRE T/A KINGS RESTAURANT ..... APPELLANT  
VERSUS  
TECHNO TRADE PAVILLION LTD ..... RESPONDENT

RULING

In this Chamber Summons application dated 12th July, 2005, and brought under Sections 79G and 3A of the Civil Procedure Act, Cap 21, Order XXXIX Rule 2 2A(1), Order XLI Rule 4 of the Civil Procedure Rules and all other enabling Provisions of the Law, the Appellant seeks, in the main, the following Order:-

The prayer sought is unclear. Although from the annexed supporting affidavit it would appear that the applicant seeks an Order restraining his Respondent/Landlord from evicting him, this is not at all clear from the prayer sought. This court cannot make orders that are not sought, and as it is not clear to this Court, what orders are sought, this application is disallowed with costs to the Respondent. Any interim orders herein are vacated.

**Dated and delivered at Nairobi this 19th day of September, 2005.**

**ALNASHIR VISRAM**

**JUDGE**