

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAKURU
Civil Suit 223 of 2004

STEPHEN KARIMI MURUGA.....1ST PLAINTIFF

PETER J. GICHUKI NJUGUNA.....2ND PLAINTIFF

VERSUS

BAHATI WOMEN COMPANY LIMITED.....DEFENDANT

RULING

Having carefully read the application by the applicants/plaintiffs and the replying affidavit filed by the respondent/defendant and also considered the submissions made before me in court, I do hold that it would be in the interest of justice if the applicants are allowed to amend their plaint as per the proposed amended plaint. The issues in controversy have been clearly brought out in the said proposed amended plaint. The respondent would not be prejudiced because they would have a chance to respond to the issues raised in said amended plaint. Further if the issues raised in the amended plaint will be amenable to be struck out, the respondent would be at liberty to make such an appropriate application for the consideration of this court. For the reasons stated, the application for amendment is allowed. The applicants shall file and serve the amended plaint within seven (7) days of today's date. The respondent is at liberty to file an amended response thereto within fourteen (14) days of the service of the said amended plaint. The costs of the application which I assess at Kshs 3,000/= shall be paid by the applicant to the respondent.

DATED at NAKURU this 11th day of October 2005.

L. KIMARU

JUDGE