

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT ELDORET
MISCELLANEOUS CIVIL APPLICATION NO.324 OF 1994

MARY C. KEMBOI PLAINTIFF

-VERSUS-

THE INSURANCE COMPANY OF
EAST AFRICA (ICEA) DEFENDANT

RULING

This matter was brought to me with a certificate of urgency. Looking at the certificate of urgency it was dated 10th February 2003. Counsel for the applicant submitted that the court file went missing, that is why there was a delay in fixing the matter for hearing. I also see another certificate of urgency in the court file dated 11th June 2002.

In 2002 the prayers sought were for payment to Anita Jerotich Kemboi a sum of Kshs.75,000.00 on her attaining the age of majority i.e. 18 years. In that instance the court order signed by the Deputy Registrar for the deposit of the money with Kenya Commercial Bank Limited and its terms for release were contained in that order. It is not clear from the court file what the court decided.

In our present application I do not see the court order for deposit of the sum of Kshs.85,000.00 and its terms of release to Judith Jeruto Kemboi. I am therefore not able to issue the orders sought. The application therefore must fail. The applicant is at liberty to apply attaching all relevant documents.

Delivered and Dated at Eldoret this 11th day of February, 2004.

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George Dulu
Judge