

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MACHAKOS

CIVIL CASE NO. 244 OF 2000

DANIEL KALOKI KIOKO.....PLAINTIFF

VERSUS

WILLY MUASA KIOKO.....DEFENDANT

24.6.2004

Coram:R. V. Wendoh – Judge

Advocate for plaintiff – Mr. Muoki

Advocate for defendant – Mrs. Nzei

Cc Muli

Mr. Muoki – Ready

Mrs. Nzei:

Plaintiff is yet to serve us with plaintiffs list of documents. No discoveries are made and preliminaries are dispensed with. Plaintiff is in contempt of court. Reference is made to J. Mwera's ruling. Court assessed costs of kshs.1,500/- be paid before next listing. The amount is yet to be paid. My client is in court.

Mr. Muoki: I gave a cheque to the client. The defendant was served in person with list of documents.

Court: From a perusal of the court file, the list of documents was filed on 18.2.2002 when the plaintiffs purported to proceed exparte. The said proceedings were set aside later after court noted that even the summons had not been served on defendant to enable him enter appearance. Lists of documents be filed and served on defendants. The defendants costs of kshs.1,500/ which are outstanding be paid forthwith.

Matter is stood over generally. Plaintiff to pay court adjournment fees. Issues be agreed or filed separately.

**R. WENDOH
JUDGE**