

- 1) Civil Practice and Procedure
- 2) Order 31 r 1CPR
- 3) Adjourned ruling to await defendant arguments.
- 4) Defendant duly served but failed to appear
- 5) Held: The defendant not being interested in the matter, the suit be set down for hearing.
- 6) Case law:
Kedowa Saw Mills & Another v Dina Mugaka
CA (Nk) 163/97

IN THE HIGH COURT OF KENYA AT NAIROBI
CIVIL CASE NO. 2131 OF 2001

PAMELA JESCA KIURA PLAINTIFF
VERSUS
JACOB NJIRU RWARE DEFENDANT

FURTHER RULING

In my ruling dated the 4.11.02 I allowed the defendant (who was absent) to address me on the point of “there being no authority filed by the next of friend under order 31 r 1 CPR at time of filing suit whether the suit is properly before court?”

The defendant on being duly served failed to attend the court. The said hearing to proceed under order 9b r3 (a) CPR on the main suit. The authority of:-

Kedowa Saw Mills & Another v Dina Mogaka
CA(NK)163/97

excused the request of order 31 r 1 CPR where it was filed together with an amended plaint.
The costs will be in the cause.

Dated this 2nd day of June 2004 at Nairobi.

M.A. ANG’AWA

JUDGE

S. Adera Advocate for the plaintiff

No appearance for advocate for the defendant.