

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MOMBASA

CIVIL SUIT NO. 370 OF 1999

REIMPEX S.A.RL 1ST PLAINTIFF

SAMBAMBA FORWARDERS LTD. 2ND PLAINTIFF

VERSUS

HAPA ENTERPRISES LTD DEFENDANT

RULING

I did rule on 24.7.2002 and ordered that the firm of Tutui Adogo & Co. Advocates who previously were separate firms of K.M. Adogo and Tutui & Co. Advocates respectively are declared to have ceased to act for the defendants herein. That order ought have been served upon all parties in this matter in compliance with Order II Rule I of the Civil Procedure Rule.

That unfortunately was not complied with as no order was extracted. We cannot proceed to day or take evidence from the witnesses without the parties concerned, particularly the defendants, having been served. It is therefore in the interest of justice that the defendant I, Hapa Enterprises Ltd. be served immediately with the relevant notice as the defendant who will remain unrepresented. He can then arrange for fresh representation. In view of the fact that the defendant's main witnesses are due to leave the jurisdiction of this court, and have travelled a long way from Ruanda, I order that the hearing of this matter be set for August 6th 2002 before duty Judge during Vacation. Costs in the cause.

Dated 30th July 2002.

**L.P. OUNA
JUDGE**

