



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**

**MILIMANI COMMERCIAL COURT**

**CIVIL CASE NO. 1267 of 2001**

**HUDSON ENTERPRISES LIMITED ..... PLAINTIFF**

**VERSUS**

**KENYA COLD STORAGE**

**(FOODS) LIMITED & 11 OTHERS ..... DEFENDANTS**

**RULING**

I have carefully listened to, appreciated and analysed arguments put forward for and against adjournment application by respective counsel. In my considered view, it is necessary to give all parties opportunity of being heard.

I am aware that the 5th defendant, among others, have not filed grounds of objection or replying affidavit. However, that cannot work against the 5th defendant as order L Rule 16(3) is not couched in mandatory terms. When the 5th defendant seeks leave to oppose the application, I may or may not allow the application. That time has not reached.

It is therefore too early to say that the application ought to proceed ex-parte. The 5th defendant and other defendants should therefore be served. A fresh hearing date to be given on request. The matter is therefore adjourned to a date to be fixed today in court.

**DATED and DELIVERED at NAIROBI this 22nd day of October, 2002.**

**N.R.O. OMBIJA**  
**JUDGE**