

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
CIVIL SUIT NO. 3665 OF 1991
CONSOLIDATED HCCC NO. 160 OF 1995
AND
MISC. HCCC NO. 1498 OF 1995 (O.S.)

PETER NGANGA MUIRURI.....PLAINTIFF
-VERSUS-
CREDIT KENYA LTD. & 5 OTHERS.....DEFENDANTS

RULING

Mr. Wamalwa applies for leave to amend the Notice of Motion at this stage. The application is opposed on the grounds that the applicant ought to do so by way of a substantive application.

Order 6A rule 1 (8) of the Civil Procedure Rules provide that:

“Applications under this Order shall be made by Summons but the court may nevertheless hear and determine an oral application in court”

Order 6A rule (1) 2 to 5 of the Civil Procedure Rules deal with amendments to pleadings. Sub 4 of the Order provides that:

“4 Rule 3 shall have effect in relation to an originating summons, a petition and originating notice of Motion as it has effect in relation to a plaint”

The Rules were designed to give to the court the laxity to hear an application orally to avoid delays in the hearing of the proceedings. I allow the applicant to amend the application but the applicant will meet the costs for 30.10.2000 and to days.

The applicant shall file the amended application within 7 days.

Delivered and dated this 31st day of January, 2001

KASANGA MULWA
JUDGE