



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT AT NAIROBI**  
**CIVIL CASE NO.1972 OF 2000**

**JOYCE NDUTA MUCHUGI & 9 OTHERS.....PLAINTIFFS/APPLICANTS**

**-VERSUS-**

**JAMES NDUNGU MUCHUGI.....DEFENDANTRESPONDENT**

**RULING**

In the Chamber Summons filed on 23.1.2001, the Plaintiff is asking for an order to strike out the defence and judgement to be entered for the Plaintiff. The Application is grounded on the grounds that what is filed and termed as a defence is not a defence in law.

The Defence in question is a document which is worded like an affidavit and titled "Defence". The applicant objects to this document because it is not made in the formal manner of a drafted defence. A look at the contents of this document will however show that the Defendant is traversing the allegations in the plaint. He has done so effectively by denying the allegations in details, sufficient to amount to a defence. In some paragraphs he has gone to the extent of introducing evidence and so far, that is the only fault which can be pointed out. The Defendant is acting in person and did not have the benefit of a lawyer.

The document does not purport to be an affidavit and it is signed by the Defendant. I therefore find that the document amounts to a Defence. The application is dismissed with costs to the Defendant.

Delivered and dated this 13th of February, 2001

KASANGA MULWA

JUDGE