



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

**MISC APPLICATION NO. 381 OF 2001**

LIBAN AGENCIES LIMITED.....APPLICANTA

VERSUS

PERMANENT SECRETARY

DEPARTMENT OF DEFENCE.....RESPONDENT

**RULING**

From para 4 of the supporting affidavit, the Respondent stopped paying rent to applicants in October 1999 since then rent was being paid to the wife of the Applicant Dima Jillo. From para 7 of the affidavit the lease has expired and no the premises were supposed to have been handed over to the applicant on 21.9.2000 in those circumstances what purpose will order of stay serve as there is no outstanding rent to be paid except perhaps a claim for damages for the period the premises have remained with the respondent.

Secondly the application should have been served on the party receiving the rent if the interested party is to be affected by the order.

Thirdly, the application for the orders for which leave was given on 25.4.2001 has not been made. It should have been filed within 21 days from 25.4.2001 has not been made. It should have been filed within 21 days from 25.4.2001 which 21 days have expired. So, applicant cannot file a competent application unless the period of 21 days is extended through formal application.

For those reasons I decline to grant prayer 3 of the application dated 24.4.2001

E. M. Githinji

Judge