



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**MILIMANI COMMERCIAL COURTS**  
**CIVIL SUIT NO. 1612 OF 2000**

**SYRONDA LIMITED ..... PLAINTIFF**  
**VERSUS**  
**SCHOOL EQUIPMENT PRODUCTION UNIT ..... DEFENDANT**

**RULING**

This application made on 5.6.2001 and filed in court on the same day seeks to set aside an order purportedly made by this court on 12.4.2001. That order in question was a decree nisi made ex parte by the Deputy Registrar. Accordingly, if it is to be set aside, I suppose it is the Deputy Registrar who should be doing so. The application is therefore clearly misconceived. But apart from that, the application is also incompetent for another reason. It is stated to be made under O. XXXIX of the Civil Procedure Rules. That order deals with temporary injunctions and interlocutory orders. I am therefore unable to see how the order applies to a decree nisi.

Regarding the merits of the application, I must also confess that I found the argument (which was the only ground) advanced in support of the application rather strange. Mr. Njau somehow thought that the defendant/judgment debtor should not be subjected to the usual laws applicable to companies because as he put

**“it is a public company owned by the Ministry of Education.”**

Since it is common ground that the defendant is a public liability company incorporated under the Companies Act, it is clear that the defendant can only enjoy such rights as are known to companies so registered. Consequently, the notion that it has other rights outside the Companies Act is not supported by any known law. For the above reasons, my finding is that the application wholly lacks merit and is dismissed with costs.

**Dated at Nairobi this 22nd day of June, 2001.**

**T. MBALUTO**  
**JUDGE**