

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
CIVIL CASE NO. 1273 OF 2001

KIPYATOR NICHOLAS KIPRONO BIWOTT.....PLAINTIFF
V E R S U S
SMITH HEMPSTONE.....DEFENDANT

R U L I N G

Based on the reasons outlined in the application dated 1st August, 2001, and submissions made by Counsel, and in view of the serious nature of the allegations against the Defendant, and also in view of the fact that the tort complained of is of a continuing nature, I believe this is a proper case to be certified urgent and to be heard during the current Court vacation. I am satisfied that the Plaintiff has a good cause of action, that the case is an arguable one, and that the Defendant lives outside the jurisdiction of this Court. Accordingly, I allow the application dated 1st August, 2001 as prayed and order that service herein be effected on the Defendant through diplomatic channels as prescribed by the Civil Procedure Rules.

DATED and DELIVERED at NAIROBI this 1st day of August, 2001.

ALNASHIR VISRAM
JUDGE