

REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI
CIVIL CASE NO. 2998 OF 1996

HOUSING FINANCE COMPANY OF KENYA LTD.....PLAINTIFF
-VERSUS-
STEPHEN KARIUKI KAIBA.....DEFENDANT

RULING

The applicant is asking for orders that the Court Bailiff do evict the defendant and put the plaintiff in possession of the property known as Title No. Bukhayo/Mundika/2742 situate at Busia District. This application is made on the grounds that the defendant was served with a decree dated 30-6-1999, which gave possession of the land to the plaintiff.

The defendant was served by substituted service following a court order, which had authorised such service. The substituted service was through an advertisement in the Daily Nation of 19.11.1999. I have noted that the plaintiff served the decree upon the defendant in accordance with a Court Order by way of advertisement in the local daily newspaper. The defendant is therefore deemed to have been duly served but has not made any attempt to comply with the decree. The application is therefore allowed as prayed in prayer (a) of the Chamber Summons.

The plaintiff will also have the costs of the application.

Delivered and dated at Nairobi this 21st day of January, 2000.

KASANGA MULWA

JUDGE