

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
CIVIL CASE NO. 262 OF 2000
MOUNT KENYA SUNDRIES LTD.PLAINTIFF
-VERSUS-
THE RECEIVER MANAGER GRAND REGENCY HOTEL (In Receivership).....
.....DEFENDANT

RULING

In the Chamber Summons the applicant is asking for some orders against the defendant a company under Receivership. Mr. Mutuli for the defendant made an application to oppose the application on the grounds that the applicant had not obtained courts leave to file the application.

Mr. Opini for the applicant conceded that leave is a must and applied for such leave arguing that such leave can be granted after the suit has been commenced.

Court:

It is true that leave can be granted after the suit has been commenced but meanwhile the proceedings ought to be stayed until the leave is granted. Normally such leave is granted and all the Applicant needs to do is to make applications to amend his pleadings, applying for such leave.

Delivered and dated this 24th day of February, 2000.

KASANGA MULWA

JUDGE