

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

Civ case 850 of 98

UGANDA ELECTRICALS (K).....PLAINTIFF

-VERSUS

EXXADO PAINTS & ALLIED LIMITED.....DEFENDANT

RULING

Court:

I certified this matter urgent on the urging that the decree had not been approved. As it turns out the decree had been properly approved and Mr. Ndege does not give a satisfactory explanation as to how it came that he thought the decree was not approved to the extent that he used this fact to move the court on 13.1.2000. He said he could now abandon this ground and rely on the other grounds. I FIND that the decree was fully approved by the debtor. I also find that the application is filed under the wrong orders under the Civil Procedure Rules. Although this is a procedural defect which is not fatal because of the issue of the decree as raised by the applicant. I will dismiss this application with costs to the Respondent.

Delivered this 14th day of February, 2000.

KASANGA MULWA

JUDGE