

IN THE HIGH COURT OF KENYA AT NAIROBI

CIVIL CASE NO. 1740 OF 1999

INSTEEL LIMITED.....PLAINTIFF

-VERSUS

INDUSTRIAL PLAIN (E.A.) LTD.....DEFENDANT

RULING

The defendant/applicant is asking the Court to set aside the Ex Parte Judgment and it has given its reasons why the Defence was not filed in time in the Affidavit of Agnes Muchemi.

The Application is opposed on the Grounds that the Judgment was properly entered when appearance and Defence were not filed in time. In the greater interest of justice I will allow the application. The Ex Parte Judgment entered on 24-1-2000 is hereby set aside. The Defendant shall file the Defence within 14 days of to-days date and shall pay to the Respondent the cost of this application before filing the Defence.

Delivered at Nairobi this 11th day of February, 2000.

KASANGA MULWA

JUDGE