

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
HIGH COURT CIVIL CASE NO. 6202 OF 1992

VERONICA WAMBUI MUHUNGI.....PLAINTIFF
-VERSUS-
JOSEPH MWANGI NJENGA & 2 OTHERS.....DEFENDANT

RULING

The applicant by way of Chamber Summons dated 19.5.2000 is asking for orders:

- (a) For Stay of Execution of the decree
- (b) For setting aside the Ex Parte Judgment entered herein.

The grounds in support of the application are that the 1st and the 2nd Defendants were not served with Summons to enter appearance in the suit. According to the affidavit in support by the 2nd Defendant, the Firm of Musyoka & Wambua Advocates had filed appearance but he had not instituted them to act for him in the matter and he was not informed of the suit.

I have considered the contents of this affidavit and it appears that the Defendants were not served with the Summons and for the greater interest of justice, I will allow the application.

The Ex Parte judgment is hereby set aside and there will therefore be a Stay of the Execution of the decree.

The Defendants will however pay the costs of this application.

Dated and delivered this 28th day of July, 2000.

KASANGA MULWA

JUDGE