

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
CIVIL CASE NO. 1905 OF 1996
LALITA DEVI LALCHAND

**(Suing on her own and personal representative of the estate of LALCHAND PURCHARAM
GALOT (Deceased).....PLAINTIFF**

VERSUS

MOHANLAL PUSHARAM GALOT.....1ST DEFENDANT
GANESHILAL PUSHARAM GALOT.....2ND DEFENDANT
SOHANLAL PUSHARAM GALOT.....3RD DEFENDANT

RULING

The applicant is asking for an Order that the suit struck out on 26.6.2000 be reinstated.

In her Supporting Affidavit the applicant says that her advocates failed to attend the court. On the other hand the Defendant in the Replying Affidavit in paragraph 2 list 8 instances when the case had to be adjourned because the plaintiff failed to appear thereby showing that she had no interest in the matter.

I agree with Mr. Odera, the Learned Counsel for the Defendant when he says that justice is for both sides. For the reason however that it is the advocates who did not attend court though we are not told the reason for it, I will give the applicant the benefit of the doubt. I will allow the application to reinstate the suit. The Plaintiff will pay the costs of this application amounting to Shs.3,000/- within 14 days from to-day's date and in default the Order to reinstate the suit will stand vacated.

Dated and delivered this 23rd day of October, 2000.

KASANGA MULWA

JUDGE