



**Barasa v AIC Kijabe Hospital (Petition E008 of 2025)  
[2025] KEHC 4677 (KLR) (9 April 2025) (Ruling)**

Neutral citation: [2025] KEHC 4677 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIAMBU  
PETITION E008 OF 2025  
DO CHEPKWONY, J  
APRIL 9, 2025**

**IN THE MATTER OF: ALLEGED CONTRAVENTION OF ARTICLES 28,  
29(A)(B)(F) AND 39(1)(3) OF THE CONSTITUTION OF KENYA, 2010**

**AND**

**IN THE MATTER OF: ARTICLES 1(1)(2), 10, 21, 22, 23, 24, 25, 28, 29,  
47, 159 AND 165(3)(A)(B) OF THE CONSTITUTION OF KENYA, 2010.**

**AND**

**IN THE MATTER OF: THE CONSTITUTION OF KENYA (PROTECTION OF RIGHTS  
AND FUNDAMENTAL FREEDOMS) PRACTICE AND PROCEEDURE RULES, 2013.**

**AND**

**IN THE MATTER OF: THE CONTRAVENTION OF ARTICLES 28,  
29(A)(B)(F) AND 39(1)(3) OF THE CONSTITUTION OF KENYA**

**BETWEEN**

**PHYLLIS BARASA ..... PETITIONER**

**AND**

**AIC KIJABE HOSPITAL ..... RESPONDENT**

**RULING**

1. This matter is scheduled for interparties hearing. However, neither party and or counsel is in attendance. I have checked the Case Tracking System (CTS) and confirm that there is an Affidavit of Service to confirm the application was served upon the Defendant on 5<sup>th</sup> March, 2025 at 2,53 pm. It is dated 4<sup>th</sup> April, 2025. There is no response filed by the Respondent.



2. There being no appearance by either party and or their counsel, the court is unable to discern their respective intentions on whether or not they are still interested in prosecuting the application.
3. In the circumstances, the Notice of Motion application dated 18<sup>th</sup> February, 2025 which was fixed for interparties hearing today is dismissed for non-attendance by either party pursuant to the provision of Order 12 Rule (1) of the Civil Procedure Rules.

It is so ordered.

**RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT KIAMBU THIS 9<sup>TH</sup> DAY OF APRIL , 2025.**

**D. O. CHEPKWONY**

**JUDGE**

In the presence of:

No appearance by and for either party

Court Assistant - Martin

