



REPUBLIC OF KENYA



KENYA LAW
THE NATIONAL COUNCIL FOR LAW REPORTING
Where Legal Information is Public Knowledge

**HF Group Limited v Nyakundi (Civil Case 104 of 2017)
[2024] KEHC 16868 (KLR) (Civ) (14 November 2024) (Ruling)**

Neutral citation: [2024] KEHC 16868 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

CIVIL

CIVIL CASE 104 OF 2017

TW OUYA, J

NOVEMBER 14, 2024

BETWEEN

HF GROUP LIMITED PLAINTIFF

AND

CYPRIAN NYAKUNDI DEFENDANT

RULING

1. The application before court is Notice of Motion dated 5th July 2021 attendant to Civil Case No 104 of 2017 and plaint dated 10th May 2017 which the plaintiff / Applicant seeks to amend,
2. The applicant has attached a supplementary Affidavit dated 26th September 2024 attaching the proposed amended plaint.
3. The plaintiff/applicant has demonstrated sufficient reasons for the need to amend the plaint and who explained why this application comes this late.
4. Counsel for Respondent/Defendant has filed a Replying Affidavit together with submissions opposing the Applicant's application to amend the plaint. On the basis that the matter comes late in the day and that the application of grant will be prejudicial to the Respondent. He urges the court to dismiss the application. The delay in the application has been necessitated by the Respondent's continued breach and contempt of orders issued on 22nd June 2017.
5. That consent was entered by the parties and an order thereto made on the 2nd November 2018.
6. That the court made a ruling on 30th September 2019 directing the Respondent to comply with consent order of 2nd November 2018 which are still in force.



7. That prior to the hearing to this suit on 11th April 2024 that plaintiff discovered impugned articles which have necessitated amending of the plaint. That the additional articles are crucial for certainty in the proposed amendments.
8. This court has equally considered the authorities cited by the plaintiff/Applicants to support the application.
9. This court is persuaded that the proposed amendment will not cause injustice to the Defendant/ Respondent.
10. In view of the above, this court is inclined to grant the prayers sought in the notice of motion as prayed.

DATED, SIGNED AND DELIVERED VIRTUALLY THIS 14TH DAY OF NOVEMBER, 2024

ROA 14 days.

HON. T. W. Ouya

JUDGE

14/11/2024

For Plaintiff Mr. Musyoka

For Respondent

Court Assistant Martin

