



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT NAIROBI**  
**COMMERCIAL AND TAX DIVISION**

**HCCC NO. E111 OF 2018**

**ASL CREDIT LIMITED.....PLAINTIFF**

**-VERSUS-**

**ABDI BASID SHEIKH ALI.....2<sup>ND</sup> DEFENDANT**

**HAFSA K.S. ALI.....3<sup>RD</sup> DEFENDANT**

**RULING**

1. This ruling is in respect to the application dated 4<sup>th</sup> November 2020 wherein the applicant/defendant seeks to discharge the default judgment entered on 14<sup>th</sup> October 2020. When the matter came up for hearing on 2<sup>nd</sup> December 2020, **Mr. Kamau**, learned counsel for the 1<sup>st</sup> and 2<sup>nd</sup> defendants informed the court that the respondent had not filed any response to the application in which case the same was unopposed. Counsel therefore urged this court to allow the application as presented.

2. I have perused the affidavit of service dated 11<sup>th</sup> November 2020 and I am satisfied that the Respondent/Plaintiff herein was duly served with court order dated 5<sup>th</sup> November 2020, and the application dated 4<sup>th</sup> November 2020.

3. I have also perused the said application and I find that it is merited. Consequently, I allow it in the following terms: -

- a. The interlocutory judgment entered in default of defence in this matter and any consequential orders thereto are hereby set aside.
- b. The defendants shall file and serve their defence within 14 days from the date of this ruling.
- c. The costs of this application shall abide the outcome of the main suit.

**DATED, SIGNED AND DELIVERED VIA MICROSOFT TEAMS AT NAIROBI THIS 11<sup>TH</sup> DAY OF MARCH 2021 IN VIEW OF THE DECLARATION OF MEASURES RESTRICTING COURT OPERATIONS DUE TO COVID -19 PANDEMIC AND IN LIGHT OF THE DIRECTIONS ISSUED BY HIS LORDSHIP, THE CHIEF JUSTICE ON THE 17<sup>TH</sup> APRIL 2020.**

**W. A. OKWANY**

**JUDGE**

**In the presence of:**

Mr. Kamau for the defendant

Court Assistant: Sylvia.