



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

**HCCC NO. 333 OF 2013**

**ST ELIZABETH ACADEMY KAREN LTD.....PLAINTIFF**

**VERSUS**

**NATIONAL BANK OF KENYA LIMITED.....1<sup>ST</sup> DEFENDANT**

**GA LIFE ASSURANCE LIMITED.....2<sup>ND</sup> DEFENDANT**

**RULING**

1. I have considered the affidavit of service dated 4<sup>th</sup> May 2021 and I am satisfied that the law firms of Gichuki Kingara and Maganga Luseno for the plaintiffs and 1<sup>st</sup> defendants respectively were duly served with the mention notice for 10<sup>th</sup> May 2021.
2. I also note that the plaintiffs were duly served with the application dated 6<sup>th</sup> August 2015 and have not filed any response to it.
3. Accordingly and in the circumstances, I allow the application dated 6<sup>th</sup> August 2015 as prayed.

**DATED, SIGNED AND DELIVERED VIA MICROSOFT TEAMS AT NAIROBI THIS 13<sup>TH</sup> DAY OF MAY 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:**

Ms Musau for Luseno for 1<sup>st</sup> defendant

Ms Muthoni for Wambugu for plaintiff/respondent

Mr. Lusi for 2<sup>nd</sup> defendant

Court Assistant: Sylvia.