



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT GARISSA**

**CIVIL CASE NO. E003 OF 2020**

**JAMARAT APARTMENTS LIMITED.....APPLICANT**

**VERSUS**

**MANDERA COUNTY GOVERNMENT.....RESPONDENT**

**RULING**

1. The Applicant filed suit against the Respondent on the 22<sup>nd</sup> of November, 2020 for breach of contract between the two based on an agreement entered into between the parties for the supply of relief food for the financial year 2017/2018.
2. It is the applicant's claim that against the Express terms of the agreement, the respondent refused, and/or neglected to requisition, inspect and take delivery of goods procured by the applicant in fulfilment of the agreement.
3. The application before court now seeks for leave to enter judgement against the respondent for failure to enter appearance and/or file a defence despite service of the pleadings herein.
4. The application is predicated on grounds that the pleadings were served upon the respondent through Abdinur Maalim Hussein of the County Secretary's Office yet to date no appearance or a defense have been filed.
5. On the 26<sup>th</sup> of January, 2021 the court directed the current application be served upon the respondent and the court is satisfied that said application was duly served.
6. Since the Respondent has neglected and/or failed to enter appearance and file a defense and the court being satisfied that the applicant's pleadings including this application and the notice of hearing were duly served the application dated 18<sup>th</sup> December, 2020 be and is hereby allowed.

**DELIVERED AND SIGNED AT GARISSA THIS 10<sup>TH</sup> DAY OF JUNE, 2021.**

.....

**ALI-ARONI**

**JUDGE**