

REPUBLIC OF KENYA

IN THE HIGH OF KENYA AT NAIROBI

HIGH COURT CIVIL CASE NO. 689 OF 2001

AZIM SAMEJA T/A BUSINESS 2008.....PLAINTIFF

-VERSUS-

LAKHASMHI VIRPAL SHAH

KAMLABEN LAKHASMHI SHAH

SURESHSANDRA LAKHASMHI SHAH

ASHOKUMAR LAKHASMHI SHAH

HARSHA LAKHASMHI SHAH

PRITMALKHA SHAH

T/A HIGH PARK INVESTMENTS.....DEFENDANTS

RULING

It is now 12.41pm and there is no attendance by the Defendants and /or their Advocates M/S E.W. Kamuyu & Co. Advocates despite being served as endured in the affidavit of service of Aggrey Mutiemberi Asumba that was sworn and filled on 13th May, 2019.

I have noted that the said Advocates accepted service of the hearing notice under protest on the grounds that their clients collected files from them and they do not know their whereabouts. The said Advocates have not filed an application to cease acting for the Defendants and for all purposes and intents, they are deemed to be the Defendant's Advocates on record.

There is no response to the Plaintiff's application making it unopposed. Although Mbogholi Msagha J. directed on 9th May, 2019 that any Judge in the Civil Division could hear and determine this matter.

Following directions that were given pursuant to the Plaintiff's Advocates letter dated and filed on 15th May, 2019 to the Deputy Registrar High Court of Kenya Civil Division, this matter was allocated to me for hearing.

Accordingly, having looked at the Plaintiff's Notice of Motion Application dated and filed on 9th May, 2019 and the supporting affidavit of Azim A. Sameja and all the enclosures therein and having heard his Counsel and having noted that the said Application is unopposed as no response has been filed thereto by the Defendants, I hereby allow the same in terms of prayer No. (2) therein. Costs shall be in the cause. Orders accordingly.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 16TH DAY OF MAY, 2019 AT 12. 50PM.

J. KAMAU

JUDGE

16.05.2019