



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

**CIVIL CASE NO. 342 OF 2017**

**RENT WORKS EAST AFRICA LIMITED.....PLAINTIFF**

**-VERSUS-**

**LOGITAC GLOBAL LOGISTICS LIMITED....DEFENDANT**

**R U L I N G**

1. Although I have entitled this as a Ruling it is not a Ruling on any substantive application.
2. This matter was handled by Lady Justice Ngetich. In her absence from this Station on 16<sup>th</sup> November 2018, the file was placed before Lady Justice M. Odero. Justice Odero on that date ordered for the file to be placed before Justice Ngetich on 22<sup>nd</sup> November 2018.
3. It is not clear on the Court file why the matter was not placed before Justice Ngetich on 22<sup>nd</sup> November 2018 and it is equally not clear how another date of 28<sup>th</sup> November was obtained when this matter was brought before me. On that date, the Defendant did not attend Court. There is no evidence that the Defendant was aware that this matter would be before me on 28<sup>th</sup> November 2018.
4. It would therefore follow that the order I made on 28<sup>th</sup> November 2018 was made in the absence of the Defendant and the Defendant who was unaware the matter was before Court. Obviously that was an anomaly. I did order on that date that I would deliver a Ruling on 7<sup>th</sup> March 2019 on the application dated 22<sup>nd</sup> January 2018.
5. I was unable to deal with this matter on 7<sup>th</sup> March 2019 because I was away from duty because I was indisposed.
6. In my view, it would be unjust to deliver a Ruling when the Defendant did not know of the decision that a Ruling would be given. Fresh dates for hearing Notice of Motion dated 22<sup>nd</sup> January 2018 will have to be fixed with the participation of the Defendant and in the absence of their participation they need to be served with a hearing notice.
7. This matter falls under the docket of Justice M. Muigai, after the transfer from this Station of Justice Ngetich in December 2018. Accordingly, I direct as follows:

**a) This matter shall be mentioned before Justice M. Muigai on a date to be given at the reading of this Ruling.**

**b) If such a date for mention will be in the absence of the Defendant, the Defendant shall be served with a hearing notice.**

Orders accordingly.

**DATED, SIGNED and DELIVERED at NAIROBI this 16<sup>TH</sup> day of MAY, 2019.**

**MARY KASANGO**

**JUDGE**

**Ruling Read and Delivered in Open Court in the presence of:**

Sophie..... COURT ASSISTANT

.....**FOR THE PLAINTIFF**

..... **FOR THE DEFENDANT**