

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CIVIL CASE NO. 115 OF 2014

NFL TRADING COMPANY LIMITED.....PLAINTIFF

VERSUS

ALKASONS TRANSPORTERS LIMITED.....1ST DEFENDANT

FIRST ASSURANCE COMPANY LIMITED.....2ND DEFENDANT

RULING

The plaintiff/applicant has moved this court vide a notice of motion dated 7th April, 2017, seeking orders for validity of summons to enter appearance upon the 1st defendant.

The application is premised on the grounds set out on the body of the same and it is supported by the affidavit of *Meshack Omari* sworn on 7th April, 2017.

The plaintiff/applicant avers that he filed the suit herein on 29th April, 2014 and obtained summons to enter appearance dated 30th April, 2014. That he managed to serve the 2nd defendant but despite considerable effort on his part to serve the 1st defendant he has not yet succeeded in doing so.

That he has even attempted to trace the 1st defendant's whereabouts through the company registry but the Registrar of Companies avers that the registry does not have any records relating to the 1st defendant let alone the physical address. He has urged the court to grant the application herein.

The court has considered the application and the submissions by the counsel for the plaintiff. Summons herein were issued and served upon the 2nd defendant but it has not been able to serve the 1st defendant as its physical or postal addresses are unknown. This court has been explained to and appreciates the efforts made by the plaintiff in tracing the 1st defendant for service. It is only fair and just that, the summons herein be extended to enable it serve the same.

In the premises, the application dated 7th April, 2017, is granted as prayed. Summons to enter appearance against the 1st defendant are hereby extended for twelve [12] months. It is so ordered.

Dated, signed and delivered at Nairobi this 11th day of May, 2017.

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L. NJUGUNA

JUDGE