

simultaneously with the filing of defence. This was not the case in this application and is the reason why leave is being sought for late filing of the application. Apart from this I have no issue with the merits of the application. I have considered the application, and on its merit the same is allowed with costs in the cause. The third party shall be served with the Third party Notice within 7 days of this order.

Orders accordingly.

READ, DELIVERED AND DATED, AT NAIROBI THIS 8TH DAY OF FEBRUARY 2016.

E. K. O. OGOLA

JUDGE

Ruling Read in open court in the presence of:

No Appearance for Plaintiff

No Appearance for Defendant

Teresia Court Clerk