

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI

CIVIL CASE NO. 217 OF 2012

PETER KAMAU JOHN.....1ST PLAINTIFF

NANCY WANJIKU KAMAU.....2ND PLAINTIFF

(Suing on their behalf and that of the estate of the later Ruth Njeri

Kamau in their capacity as the legal representatives as well

as on behalf of the named defendants of the Deceased)

VERSUS

MURAYA JOSHUA MUIR.....1ST DEFENDANT

MICHAEL OMONDI ONIANGO.....2ND DEFENDANT

KENNETH WAITHAKA KANYARA.....3RD DEFENDANT

RULING

This is an *ex parte* application by the plaintiffs under Sections 1 A, 1B and 3 A of the Civil Procedure Act and Order 5 Rule 2 of the Civil Procedure Rules for an order that the summons to enter appearance dated 14th May, 2012 be renewed. The reasons for seeking the order have been set out in the said application. There is also a supporting affidavit sworn by the 1st plaintiff herein.

The reasons set out in the grounds and the supporting affidavits are persuasive enough to allow the application. There is a cause of action in favour of the plaintiff against the defendants jointly and severally. No prejudice shall be occasioned upon the defendants if the order sought is granted and in any case the cited provisions of law permit the exercise of the court's discretion in favour of the plaintiffs.

Accordingly, the application is hereby allowed and summons renewed for a further period of 12 months. The plaintiffs shall endeavor to serve the summons against the defendants under the relevant provisions of the Civil Procedure Rules, to facilitate expeditious disposal of this matter. The costs shall be in the cause.

Dated, signed and delivered at Nairobi this 7th Day of June, 2016.

A. MBOGHOLI MSAGHA

JUDGE