

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI
CIVIL CASE NO.484 OF 2002

NYOIKE WAWERU & PENNINAH WANJIRU WANYOIKE

(suing in their capacity as the father and mother/ legal

Representatives of the estates of deceased

JAMES CHEGE WANYOIKEPLAINTIFFS

VERSUS

ZAVERA NKUBU NKUBITU1ST DEFENDANT

SIMON WANYOIKE WANGOI.....2ND DEFENDANT

RULING

The application dated 13th July 2015 is made exparte seeking leave to proceed by way of formal proof hearing and leave to serve the defendants by registered post.

I note that the exparte judgment was entered on 2nd December 2003 and to date, the matter has not been heard and or determined. Suit was filed in 2002.

In the premises, and due to lapse of time, I direct that application herein be and is hereby allowed as prayed.

Nonetheless, should the defendants demonstrate interest in defending this suit since the exparte judgment was entered over 12 years ago, they shall be allowed to participate in the proceedings. I also direct that the defendant's insurers Occidental Insurance Company Ltd be served with the hearing notice.

Hearing date to be taken at the registry on priority basis due to the age of the matter.

R.E. ABURILI

JUDGE

1/10/2015