



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**MISC. NO: 25 OF 2011**

**CHARLES MBUGUA NJUGUNA .....APPLICANT**

**VERSUS**

**CORNELIUS KIMANI.....RESPONDENT**

**RULING**

1. The interests of justice require that I allow the application dated 6<sup>th</sup> June 2013. The same was filed timeously and a party should not suffer prejudice on account of mistake of counsel.
2. As the predicament in which the applicant found himself in was occasioned by counsel, it is only fair that the said counsel do bear the costs of the application.
3. The orders made on 4<sup>th</sup> June 2013 are hereby set aside. The application dated 21<sup>st</sup> February 2013 shall be heard *inter partes*. The firm of Messers J.M. Njenga & Company Advocates shall pay throwaway costs of Kshs.5,000.00 to the respondents. The said costs shall be paid within 14 days.

**DATED, SIGNED and DELIVERED at NAIROBI this 14<sup>th</sup> DAY OF March, 2014.**

**W. M. MUSYOKA**

**JUDGE**