



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

**CIVIL DIVISION**

**Civil Case No. 325 Of 2012**

**Martin Mutisya Muthengi.....PLAINTIFF**

**VERSUS**

**1.THE Standard Group Ltd**

**2.THE Standard Ltd**

**3.Kenneth Kwama .....DEFENDANTS**

**R U L I N G**

**1. Section 4(2) of the Limitation of Actions Act, Cap 22 provides as follows -**

**“An action founded on tort may not be brought after the end of three years from the date on which the cause of action accrued:**

**Provided that an action for libel or slander may not be brought after the end of twelve months from such date.”**

**2. The provisions of section 27 of the same Act (extension of the limitation period) are not applicable to actions for defamation.**

**3. The cause of action as pleaded in the present suit (paragraph 5 of the plaint dated 27<sup>th</sup> June 2012) accrued on 10<sup>th</sup> August 2010. The suit was filed on 29<sup>th</sup> June 2012, way out of the period of limitation referred to above. The proceedings before the *Complaints Commission of the Media Council* pleaded in paragraph 8 of the plaint do not afford an answer in law against a defence of limitation. At any rate no such answer in law has been brought to the attention of the court.**

**4. In the circumstances I will uphold the preliminary objection raised by the Defendants by notice dated 16<sup>th</sup> October 2012. The suit herein having been filed out of the statutory period of limitation, and there being no provision under statute for extension of that period, the suit is hereby struck out with costs to the Defendants. It is so ordered.**

**DATED AND SIGNED AT NAIROBI THIS 4<sup>TH</sup> DAY OF JULY 2013**

**H. P. G. WAWERU**

**JUDGE**

**DELIVERED AT NAIROBI THIS 5<sup>TH</sup> DAY OF JULY 2013**