



**REPUBLIC OF KENYA  
IN THE HIGH COURT OF KENYA  
AT NAIROBI (NAIROBI LAW COURTS)**

**Civil Case 10 of 2007**

**BAKARI ALI OGAPA & 245 OTHERS**  
.....**PLAINTIFFS**

**VERSUS**

**UNILEVER KENYA LTD.**  
.....**DEFENDANT**

**R U L I N G**

Application dated 3/2/2009 seeks order to dismiss this suit with costs.

On 31/10/08 this court (Hon. Justice Lesiit) ordered security for costs in the sum of Kshs.306,250/= within 60 days of the order. No payment has been made. The application is supported by affidavit of Antoinette Absoloms. The court order is exhibited in default of plaintiff failing to provide security as ordered, the defendant be at liberty to apply. It was ordered.

Upon hearing the arguments of both parties, I hold that court orders are to be obeyed unless there is an appeal or an application to vary or set aside the same no such action has been taken.

If a party thinks the order is unjust, it must obey the order and thereafter appeal or set aside. As is it, the party against who the application is made, has done nothing, the same is allowed with costs by the plaintiff.

It is so ordered.

**DATED and DELIVERED** at Nairobi this 4<sup>th</sup> day of May 2009.

**JOYCE N. KHAMINWA**

**JUDGE**