

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (MILIMANI COMMERCIAL COURTS)

Civil Case 47 of 2007

AMRIK SINGH KALSI Suing as the administrator of the estate of

Ram Singh Kalsi (deceased) on behalf of The Estate.....
PLAINTIFF

VERSUS

BHUPINDER SINGH KALSI
DEFENDANT/RESPONDENT

RULING

The Chamber summons dated 2nd September 2009 seeks for the defence herein dated 20th April 2007 be struck out and judgment be entered against the defendant as prayed in the plaint. The application was duly served upon the defendant as per the affidavit of service but no replying affidavit has been filed.

The application is supported by the grounds on the body thereto as well as the supporting affidavit. The plaintiff requested for particulars from the defendant on 8 July 2007, but the defendant failed to supply the particulars. The plaintiff filed an application and the defendant was ordered to supply the particulars within 21 days which he failed to honour.

Consequently, the plaintiff now applies for the defence be struck out for failure by the defendant to supply the particulars as ordered and for failing to pay rent over the plaintiffs premises which continues to escalate. There is no replying affidavit. Accordingly I hereby grant the application as prayed in prayer Nos.1,2 and 3.

RULING READ AND SIGNED ON 7TH OCTOBER 2009 AT NAIROBI.

M.K. KOOME

JUDGE