

REPUBLIC OF KENYA

Mohannlal Parmar & 2 Others v Bansikumar Parmar

**High Court, at Nairobi May 19, 1992
Omolo J**

Civil Case No. 807 of 1991

May 19, 1992, Omolo J delivered the following Ruling.

I think the Plaintiffs' application for particulars comes perilously close to fishing for evidence by which the defendant will support his case during the hearing. The defendant pleaded in paragraph 4 of his defence that he contributed a total of Shs.237,650/- towards the purchase of the suit premises and that the plaintiffs are therefore not entitled to the orders they seek. The plaintiff then demanded from the defendant an itemized account showing how the sum of Shs.237,650/- was arrived at and the manner in which the payment was made, viz. whether by cash or cheques and whether receipts were supplied. The defendant supplied the plaintiffs with a list of alleged payments and the list shows what was paid for and how much was paid for which item. The Plaintiffs are still not satisfied with this.

I agree with counsel for the defendant that the plaintiffs have been served with sufficient particulars and they must wait for evidence in court regarding receipts and so on.

This application fails and I order it dismissed with costs to the defendant.