



**Patrizia Cilli Events SRLS v Kabata & another (Civil Suit
E1460 of 2022) [2023] KEMC 130 (KLR) (11 May 2023) (Ruling)**

Neutral citation: [2023] KEMC 130 (KLR)

**REPUBLIC OF KENYA
IN THE MILIMANI COMMERCIAL CHIEF MAGISTRATE'S COURTS
CIVIL SUIT E1460 OF 2022
JP ADUKE, SRM
MAY 11, 2023**

BETWEEN

PATRIZIA CILLI EVENTS SRLS PLAINTIFF

AND

ROBERT KABATA & ANOTHER DEFENDANT

RULING

1. The Applicant moved this court seeking leave to amend the Defence on record under Order 8 rule 3 of the Civil Procedure Rules in the Civil Procedure Act. The Notice of Motion Application dated 22nd June 2022 is supported by the affidavit of Mora Onsa. The same is before me unopposed by the plaintiff's counsel. Parties filed and exchanged written submissions.
2. Having considered the said application, and the plaintiff's response in court on 28th July 2022 against the provisions of Order 8 rule 3 of the Civil Procedure Rules, I note that the Plaintiff will not suffer any prejudice or injustice if the same is allowed. I have relied on the reasoning of the court in St Patrick's Hill School Ltd vs Bank of Africa Kenya Ltd [2018] eKLR where the court held that "proposed amendment of pleadings should be done in a timely fashion and in good faith provided costs can compensate the other party, should not substantively reframe the claim before court in a manner likely to deny the defendant's rights including the right to rely on the law on limitation of actions....."

The present application meets these requirements. In the circumstances, it is my considered view that the same is merited and I allow the same. Costs awarded to the Plaintiff. The plaintiff is at liberty to file any response to the amended defence within 21 days of this ruling.

File back to the registry. Parties to move court for a Pre-Trial Conference Date on lapse of 21 days.

**ADUKE JEAL PRAXADES ATIENO
SENIOR RESIDENT MAGISTRATE**



RULING DELIVERED AND SIGNED AND DELIVERED THIS 11TH MAY 2023.

In the presence of :

Court Assistant: Mr. Benjamin Kombe

Counsel for the Plaintiff –n/a

Counsel for Defence-n/a

