

REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI
CIVIL DIVISION
CIVIL SUIT NO. 13 OF 2012

JOY
NYAGA.....PLAINTIFF/APPLICANT

MERCY

MUTHONI

VERSUS

JACKSON
DEFENDANT/RESPONDENT

KANALE

NYAPELA.....1ST

KAMPALA
DEFENDANT/RESPONDENT

COACH.....2ND

RULING

(On Motion Dated 24/05/2024)

1. On 29/09/2025, directions were issued on the Plaintiffs **application dated 24/05/2024** in which the Plaintiff sought:-
 - a) *That the corporate veil of incorporation of the 2nd Defendant, Kamplala Coach Ltd be lifted to have its directors/an shareholders namely Ahlam Basiet Abdul and Nijud Abdalla attend court to be examined as to the companies properties or means of satisfying the decree of this court, and*
 - b) *To produce books of accounts and other documents or evidence in respect thereto.*
2. By a further **motion dated 20/09/2024**, the Plaintiff sought an order for lifting the veil of incorporation of the 3rd party

company namely **Chabhadiy Enterprises Limited** to be lifted and have its Directors namely **Ramji Kansan Vishram** and **Amratben Ramji Patel** be directed and held liable to pay the decretal sum upon the judgment in the suit delivered on /// in the sum of Kshs. 21, 274,114/= and decree issued on 2/03/2023.

3. On 29/07/2025, the Applicant by its advocates Nyangito & Co. Advocates sought leave of court to effect service of the applications dated 24/05/2024 submitting that the plaintiff has been unable to trace the whereabouts of the 2nd Defendant and the 3rd party companies to effect service of the application.
4. Upon consideration of the application and the supporting affidavit, the court by its orders directed that the 2nd Defendant and its directors named above be served by way of advertisement in the Nation Newspaper.
5. I have perused the affidavit of service filed by the Plaintiff's Advocates. I have seen the Nation Newspaper of 16/10/2025 advertisement on substituted service to the two Directors of the 2nd Defendant - **Ahlam Besiet Abdul** and **Nijud Abdallah** - in respect of the motion and the hearing notice for the 29/10/2025 for the two Directors to be examined by the court on the financial status of the 2nd Defendant.
6. The said Directors have failed to honour the summons and court orders. The court has been urged to grant the orders

sought in the plaintiff motion dated 24/05/2024 as it stands unopposed.

7. Prayer 3 of the motion is couched that; “in default of the Directors complying with the court orders they be ordered to personally pay the decretal amount due from the date of the judgment together with costs to the Plaintiff”.
8. Judgment was delivered on 16/12/2022 against the 1st and 2nd Defendants, and their party jointly and severally in the sum of Kshs. 21,274,114/= plus costs and interest.
9. A decree was issued on 2/03/2023.
10. The Registrar of Companies search certificate P.Exh. “JMM1” attached to the supporting affidavit throws at CR12 that Ahlam Basiet Abdul and Nijud Abdallah are the directors of Kampala couch the 2nd Defendant herein.
11. The Plaintiffs effort to trace and execute the decree against the 2nd Defendant have proved futile.

Despite being served by substituted service, the two directors have failed to attend court as directed by the court vide its orders dated 29/07/2025.

12. **In the circumstance, the plaintiff’s application dated 24/05/2025 is hereby granted interms of prayer 3. Orders accordingly.**

**Delivered Dated and Signed at Nairobi this 30th day of
October, 2025.**

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**JANET MULWA.
JUDGE**

ORIGINAL