



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT ELDORET

ELC NO. 168 OF 2017

PATRICK MWANGI MUCHUKU:.....IST PLAINTIFF

JACKSON KARIUKI NGUGI:.....2ND PLAINTIFF

REUBEN NJENGA KIBARU:.....3RD PLAINTIFF

MARGARET NJERI GATONYE:.....4TH PLAINTIFF

AND 213 OTHERS

VERSUS

OBADIAH MACHARIA MAINA:.....1ST DEFENDANT

GOODLIFE SACCO LIMITED:.....2ND DEFENDANT

FEDHA MICRO INVESTMENTS LIMITED:.....3RD DEFENDANT

JESSE KANINI KIUGU:.....4TH DEFENDANT

RULING

INTRODUCTION

This is a Notice of Motion dated 29.6.2017 brought under Order 5 rule 17 of the Civil Procedure Rules seeking for an order for substituted service upon 1st, 2nd and 3rd defendants by an advertisement in the Daily Nation Newspaper.

The application is supported by the grounds on the face of the record and supporting affidavit by Morgan Omusudi Advocate for the Plaintiff and an affidavit by a process server Vincent Ogotu.

I have considered the application together with the supporting documentation. I do find that substituted service would be the only way to serve the defendants. The consideration in cases of this nature is to bring this suit to the attention of the defendants.

The application for substituted service is therefore allowed. The Plaintiff to publish by way of an advertisement/advert the summons to the 1st, 2nd and 3rd defendants herein in the prescribed form in the Daily Nation Newspaper at a conspicuous place.

The 1st, 2nd and 3rd defendants to enter appearance within 15 days of such advert in the Daily Nation Newspaper.

Costs in the cause.

Dated and delivered at Eldoret on this 29th day of June, 2017.

M.A ODENY

JUDGE