



11. The Court says so because there is absolutely nothing on record to show that the applicants served a hearing notice for 16 October 2018. The applicants could not have been ready without a notification of the hearing date to the Respondent.

12. It is not lost to the Court that previous hearings had aborted because of unsatisfactory service.

13. The Court would not be speculating to state that the *reasons* advanced by the applicants that they were outside the courtroom are an afterthought, for without service of a hearing notice, the hearing could have aborted for the third time.

14. Further, the applicants were on notice that they had been granted the last adjournment on 14 March 2018.

15. The Court finds the application dated 17 October 2018 without merit and dismisses it with no order as to costs.

**Delivered, dated and signed in Nairobi on this 30<sup>th</sup> day of November 2018.**

**Radido Stephen**

**Judge**

**Appearances**

For applicants Mr. Nyabena instructed by Nyabena Nyakundi & Co. Advocates

For Respondent Mr. Kinyua instructed by Robi Kerato & Co. Advocates

Court Assistant Lindsey