



REPUBLIC OF KENYA



**Boro v Royal Media Services Limited & 4 others (Civil Case
40 of 2018) [2025] KEHC 2910 (KLR) (31 January 2025) (Ruling)**

Neutral citation: [2025] KEHC 2910 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
CIVIL CASE 40 OF 2018
DO CHEPKWONY, J
JANUARY 31, 2025**

BETWEEN

ANTHONY NJEHU BORO PLAINTIFF

AND

ROYAL MEDIA SERVICES LIMITED 1ST DEFENDANT

MASHIRIMA KAPOMBE 2ND DEFENDANT

STEVE SHITERA 3RD DEFENDANT

MARGARET KIRUNGARI KARANJA 4TH DEFENDANT

**CHRISTOPHER NDUNGU KARANJA ALIAS KRIS KARANJA 5TH
DEFENDANT**

RULING

1. This matter was scheduled for hearing of the main suit. However, upon listening to all counsel for the parties, it has clearly come out that the Plaintiff's counsel has only availed one witness and intends to seek for an adjournment to call the other witnesses in support of his case.
2. M/S Muhoro counsel for the 5th and 6th Defendants, although ready to proceed with one witness, pointed out that she has come across a CD and is wondering if the Plaintiff intends to plat it for evidence as they had not been served with it. Counsel for the Plaintiff responded by pointing out that the had filed and served the recording and Certificate of Electronic Evidence which is attached as the Plaintiff's further list of documents dated 5th May, 2022, at which time the current counsel for 5th and 6th Defendants had not come on record. Counsel for the 1st to 4th Defendants confirmed having received all the witnesses statements, the list and bundle of documents including the clip save for the Certificate of Electronic Evidence.



3. In regard to these submissions by the counsel for the parties herein, it is clear that even if we were to proceed and hear the Plaintiff's one witness, the Plaintiff's counsel has put the court on notice that they will be applying for an adjournment to enable them avail the other witnesses.
4. Also, although the matter is scheduled for hearing, the same having been confirmed ready on account of compliance with Order 11 of the *Civil Procedure Rules*, it has come out that counsel for 5th and 6th Defendants has not been served with a CD and Certificate of Electronic Evidence while counsel for the 1st to 4th Defendants confirms that he has not been served with the Certificate of Electronic Evidence.
5. I have perused the record and established that the Plaintiff further list of documents dated 5th May, 2022 shows that the Report Plaintiff filed Government Analyst Report dated 25th September, 2018, and a copy of Citizen TV Video recording of 11th September 2018 at 1.00pm.
6. In view of this, it is evident that the matter was confirmed ready for hearing, and yet it was not. The record also shows that counsel for the 5th and 6th Defendants came on record on 18th October, 2022 as per the Notice of Change of Advocates which is way after the further list of documents had been filed.
7. That being so, the hearing is adjourned with the following directions:-
 - a. The parties to complete and confirm compliance of pre-trial directions.
 - b. The Plaintiff to serve all the other documents upon the Defendants within 7 days from the date hereof.
 - c. The Defendants be at liberty to file and serve any documents in response within 7 days of being served by the Plaintiff.
 - d. Hearing is adjourned to 23rd April, 2025.

It is so ordered.

RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT KIAMBU THIS 31ST DAY OF JANUARY, 2025.

D. O. CHEPKWONY

JUDGE

In the presence of:-

Mr. Mokire holding brief for Mr. Kabaiko counsel for Plaintiff

Mr. Munyori counsel for 1st – 4th Defendants

M/S Muhoro counsel for 5th and 6th Defendants

Plaintiff – present

Court Assistant - Martin

