



REPUBLIC OF KENYA



**Barno & 5 others v Sayani Investments Limited & another (Civil Case E260 of 2024) [2025] KEHC 5286 (KLR) (Civ) (30 April 2025) (Ruling)**

Neutral citation: [2025] KEHC 5286 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

**CIVIL**

**CIVIL CASE E260 OF 2024**

**SN MUTUKU, J**

**APRIL 30, 2025**

**BETWEEN**

**DAVID SOME BARNO & 5 OTHERS & 5 OTHERS & 5 OTHERS & 5 OTHERS  
& 5 OTHERS & 5 OTHERS ..... PLAINTIFF**

**AND**

**SAYANI INVESTMENTS LIMITED & ANOTHER ..... DEFENDANT**

**RULING**

1. This short ruling relates to directions of this court necessitated by the Request for Judgment made by counsel for the Plaintiffs. The request was made pursuant to Order 10 Rule 4 of the [Civil Procedure Rules](#). It seeks entry of Judgment for:
  - a. General damages for malicious prosecution.
  - b. Punitive damages
  - c. Special damages amounting to Kshs 137,170,000/=
  - d. Interest on (a), (b) and (c).
2. The request for judgment in default is directed at the 2<sup>nd</sup> Defendant, who has failed to enter appearance or file defence after service of the Plaint and Summons to enter Appearance.
3. The matter was mentioned before me on 29<sup>th</sup> April 2025. There was no representation of the 2<sup>nd</sup> Defendant.
4. From the record, it is clear that the Plaint and Summons to enter appearance were served on the 2<sup>nd</sup> Defendant on 9<sup>th</sup> December 2024. There is no appearance or defence entered in respect of the 2<sup>nd</sup> Defendant.



5. I have considered the request for judgment. I have noted that in making that request, Order 10 Rule 8 was not complied with. It provides as follows:

No Judgment in default of appearance or pleading may be entered against the Government without leave of the court and any application for leave shall be served not less than seven days before the return day.

6. In view of the above, the Plaintiffs are hereby directed to comply with the above provisions before this court can issue directions on the hearing and determination of the instant suit.

**DATED, SIGNED AND DELIVERED THIS 30<sup>TH</sup> DAY OF APRIL 2025.**

**S. N. MUTUKU**

**JUDGE**

