



REPUBLIC OF KENYA



KENYA LAW
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**Githinji v Muhindi Mweusi Supermarket Limited (Civil Case
E003 of 2023) [2025] KEHC 7526 (KLR) (29 May 2025) (Ruling)**

Neutral citation: [2025] KEHC 7526 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT THIKA
CIVIL CASE E003 OF 2023
FN MUCHEMI, J
MAY 29, 2025**

BETWEEN

JOYCE CAROLINE MUNJIRU GITHINJI PLAINTIFF

AND

MUHINDI MWEUSI SUPERMARKET LIMITED DEFENDANT

RULING

1. At the close of the close of the Defendant's case, Ms Munyua holding brief for Mr. Mugo for defendant applied for orders to the effect that the defendant be allowed to send two letters dated 23/08/2003 for examination by the document examiner. The Plaintiff's counsel Mr. Muhuni opposed the oral application on grounds that the defendant had the documents in her possession since this case was filed and service effected on them at inception of this case. It was further argued that the defendant had ample time to prepare their case and no good reason for failure to send the documents for examination had been given to the court.
2. The plaintiffs counsel proposed that the defendant can make a formal application to open their case since it had already been closed.
3. Ms Munyua said she had no objection to filing such a formal application. It is noted that the defendant's had closed their case and an oral application in a civil case would not suffice in seeking orders to re-open the defendant's case. Bearing in mind that the oral application is opposed and that both parties agree that a formal application can be filed, I hereby make orders/directions as follows:-
 - a. That the defendant do file a formal application within seven (7) days and serve it promptly on the plaintiff.
 - b. That the plaintiff do respond to the application within 7 days upon service.



- c. That in the event that the application is opposed, parties do exchange submissions within 14 days upon service of the response.

It is hereby so ordered

RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT THIKA THIS 29TH DAY OF MAY 2025.**

F. MUCHEMI

JUDGE

