



Bhogal v Mukui (Civil Case E010 of 2023) [2024] KEHC 4541 (KLR) (25 April 2024) (Ruling)

Neutral citation: [2024] KEHC 4541 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
CIVIL CASE E010 OF 2023
SM MOHOCHI, J
APRIL 25, 2024**

BETWEEN

HARBINDER SINGH BHOGAL PLAINTIFF

AND

HILDH MUTHONI MUKUI DEFENDANT

RULING

1. The Applicant/Defendant entered appearance on 13th July, 2023 a clear 6 days before the request for summary judgment was made on 19th July, 2023.
2. That the Court was in err to allow issuance of the summary judgment in the face of an appearance by the defendant
3. That substantive justice demands a hearing being afforded to the parties and in this instance the defendants are contending that their counter claim far exceeds the summary judgment sum.

The upshot of the above is that the notice of motion dated 26th February, 2024 is found to be with merit and the same is allowed.

1. The summary default judgment dated 19th July, 2023 is hereby set aside and vacated.
2. The Defendant/Applicant is granted 30 days leave to file and serve defence and counter claim.
3. Costs of the application shall be in the cause.

This matter shall be mentioned for case management on 2nd July, 2024.

It is so ordered.

SIGNED, DATED AND DELIVERED AT NAKURU ON THIS 25TH DAY OF APRIL 2024.

MOHOCHI S. M.

JUDGE



In presence of:

Court Assistant - Schola

M/s Mwangi holding brief for Kisillah for plaintiff

Respondent absent.

