

(Legislative Supplement No. 9)

LEGAL NOTICE NO. 22

THE CIVIL PROCEDURE ACT

(Cap. 21)

IN EXERCISE of the powers conferred by section 81 (1) of the Civil Procedure Act, the Rules Committee makes the following Rules—

THE CIVIL PROCEDURE (AMENDMENT) RULES, 2020

1. These Rules may be cited as the Civil Procedure (Amendment) Rules, 2020.

Citation

2. Rule 15 of Order 1 of the Civil Procedure Rules, 2010 (hereafter referred to as the “principal Rules”) is amended in sub-rule (3) by deleting the words “be filed within fourteen days of service” and substituting therefor the words “be filed and served within fourteen days of leave”.

Amendment of Order 1 of L.N. No. 151/2010.

3. The principal Rules are amended by inserting the following new rule immediately after rule 25 of Order 1—

Parties to provide contacts [Order 1, rule 26]

1. A party to a suit shall provide contact details to the Court when filing pleadings including the party’s—

- (a) postal address;
- (b) telephone number;
- (c) email address; and
- (d) physical address.

2. A party shall notify the Court of any changes to the contact details provided under sub-rule (1).

4. Rule 1 of Order 3 of the principal Rules is amended in sub-rule (3) (a) by deleting the definition of “Small Claims” and substituting therefor the following new definition—

Amendment of Order 3 of L.N. No. 151/2010.

“small claim” refers to a simple claim whose monetary value does not exceed two hundred thousand shillings.

5. Rule 1 (6) of Order 5 of the principal Rules is amended in sub-rule (6) by deleting the words “or notification, whichever is later”.

Amendment of Order 5 of L.N. No. 151/2010.

6. Rule 3 of Order 5 of the principal Rules is amended in paragraph (b) (iii) by deleting the words “postal address” and substituting therefor the words “registered office or physical address”.
Amendment of Order 5 of L.N. No. 151/2010.
7. Rule 22 of Order 5 of the principal Rules is amended in sub-rule (1) (d) by deleting the words “neither a Commonwealth citizen nor residing within the Commonwealth” and substituting therefor the words “not resident in Kenya”.
Amendment of Order 5 of L.N. No. 151/2010.
8. Rule 22 of Order 5 of the principal Rules is amended in sub-rule (2) by deleting the expression “29”.
Amendment of Order 5 of L.N. No. 151/2010.
9. Rule 25 of Order 5 of the principal Rules is amended by deleting the words “a Commonwealth citizen or a British protected person” and substituting therefor the expression “not resident in Kenya”.
Amendment of Order 5 of L.N. No. 151/2010.
10. Rule 28 of Order 5 of the principal Rules are amended by deleting sub-rule (1).
Amendment of Order 5 of L.N. No. 151/2010.
11. Order 5 of the principal Rules is amended by inserting the following new rules immediately after rule 22—
Amendment of Order 5 of L.N. No. 151/2010.

Internationally registered and recognized courier services [Order 5, rule 22A]

1. Summons may be sent to the Defendant by way of registered courier service provider; service shall be effected only with the leave of the Court through an internationally registered and recognized courier service provider to the defendant’s last known physical address.
2. Service shall be deemed to have been effected when the person being served acknowledges receipt by affixing his signature on the document or on confirmation of delivery by the courier service provider.
3. An officer of the court duly authorized to effect service shall file an Affidavit of Service attaching the way bill receipt or consignment note from the courier service provider confirming service.
4. An affidavit of service shall be proof enough that service was effected, even if the person being served declines to acknowledge receipt.

Electronic Mail Services (E-mail) [Order 5, rule 22B]

1. Summons sent by Electronic Mail Service shall be sent to the defendant’s last confirmed and used E-mail address.
2. Service shall be deemed to have been effected when the Sender receives a delivery receipt.
3. Summons shall be deemed served on the day which it is sent; if it is sent within the official business hours on a business day in the jurisdiction sent, or and if it is sent outside of the business hours and on a day that is not a business day it shall be

considered to have been served on the business day subsequent.

4. An officer of the court who is duly authorized to effect service shall file an Affidavit of Service attaching the Electronic Mail Service delivery receipt confirming service.

Mobile-enabled
messaging
Applications [Order
5, rule 22C]

1. Summons may be sent by mobile-enabled messaging Applications to the defendant's last known and used telephone number.

2. Summons shall be deemed served on the day which it is sent; if it is sent within the official business hours on a business day in the jurisdiction sent, or and if it is sent outside of the business hours and on a day that is not a business day it shall be considered to have been served on the business day subsequent.

3. Service shall be deemed to have been effected when mobile-enabled messaging services when the Sender receives a delivery receipt.

4. An officer of the court who is duly authorized to effect service shall file an Affidavit of Service attaching the delivery receipt confirming service.

12. Rule 2 of Order 9 of the principal Rules is amended in paragraph (a) by inserting the words "or an affidavit sworn by the party" immediately after the words "powers of attorney".

Amendment of
Order 9 of L.N.
No. 151/2010.

13. The principal Rules are amended by deleting Order 11 and replacing it with the following new Order—

Deletion and
replacement of
Order 11 of L.N.
No. 151/2010.

ORDER 11—CASE MANAGEMENT AND CONFERENCES

Application [Order
11, rule 1]

This Order shall apply to all suits other than suits for small claims or such other suits as the Court may order to vary the whole or any part of this Order.

Case Management
Checklist [Order 11,
rule 2]

(1) Within fourteen days after the close of pleadings, the plaintiff shall file with the court a case management checklist in the form set out in Appendix B.

(2) The plaintiff shall complete the checklist with—

- (a) the name of the advocate or firm of advocates representing each party;
- (b) the postal address, telephone number, email address and physical address of the

advocate or firm of advocates representing each party;

- (c) where a party is not represented by an advocate or a firm of advocates, the postal address, telephone number, email address and physical address of the party; and
- (d) a list of all the pleadings which have been filed with the date on which each pleading was filed.

Case Management
Conference [Order
11, Rule 3]

(1) The purpose of a case management conference shall be to—

- (a) promote the expeditious disposal of cases;
- (b) afford the parties an opportunity to use alternative dispute resolution mechanisms to determine the case;
- (c) afford the parties an opportunity to settle the case;
- (d) determine any other matter relating to the management, hearing or disposal of the case;
- (e) deal with pre-trial applications at first instance or formulate a timetable to deal with them as the court may deem fit; and
- (f) identify the issues for determination.

(2) The judge or deputy registrar or magistrate or case management officer shall, at the case management conference, complete the case management checklist in the form set out in Appendix B.

(3) Parties to a suit shall sign the completed case management checklist which shall be certified by the judge or deputy registrar or magistrate or case management officer who shall also set out the issues for determination at the hearing.

(4) At a case management conference—

- (a) only the advocate or firm of advocates on record or a designated advocate, with instructions to deal with any matter that may be raised during the conference, shall be permitted to participate and by any order or direction given by the court shall be binding to the parties; or
- (b) where a party is not represented by an advocate or firm of advocates, only the

named party or recognized agent of the party to the suit shall be permitted to participate.

(5) Where orders or directions are given at a case management conference—

- (a) The judge or deputy registrar or magistrate or case management officer shall record the orders or directions and inform the parties thereof; and
- (b) where necessary, the judge or deputy registrar or magistrate or case management officer shall allocate time within which the orders or directions shall be complied with by the parties and fix a date at which the judge or deputy registrar or magistrate or case management officer shall record compliance by the parties or make such other orders as may be just or necessary including the striking out of the suit.

(6) Where any pleadings have been amended, the case management checklist shall also contain—

- (a) the list of the original and amended pleadings with the date on which the original and amended pleadings were filed; and
- (b) the details of all bundles of documents, lists of witnesses and statements of witnesses where they have been filed with the court.

(7) Within fourteen days of filing the case management checklist, the plaintiff shall serve the checklist on the other party or all the other parties to the suit and invite the other party or parties, in writing, to meet at the registry with a view to fixing a date on which to hold a case management conference which shall—

- (a) take place within sixty days of the date of service of the checklist in the case of a fast-track case; or
- (b) take place within ninety days of the date of the service of the checklist in the case of a multi-track case.

(8) The parties shall, not less than seven days before the date of the case management conference, serve on the other party or parties—

- (a) a case management request in the form set out in Appendix B setting out any orders the

parties may seek at the case management conference and to which all necessary documents including draft amended pleadings, request for particulars and request for interrogatories shall be attached; or

(b) a request to refer the case to alternative dispute resolution or any other amicable settlement process;

Case Management
Order [Order 11, rule
4]

(1) The court shall sign a case management conference certificate in the form set out in Appendix C and make a case management order at the end of a case management conference in the form set out in Appendix D.

(2) Where the parties are able to settle the case or issues in the case, the judicial officer shall issue a case settlement order in relation to the case or the issues in the case.

(3) Where parties accept an alternative dispute resolution request—

(a) where the plaintiff specified the form of alternative dispute resolution mechanism to be used, the court may make an order to stay proceedings for a specified period during which the parties will attempt to settle the case through that alternative mechanism; or

(b) where the plaintiff did not specify the form of alternative dispute resolution mechanism, the judge or case management judge may make an order to stay proceedings for a specified period, and specify the alternative dispute resolution mechanism the parties shall use in an attempt to settle the case.

(4) Where the parties are able to settle the case or issues in the case through alternative dispute resolution, the judge, magistrate, deputy registrar or case management officer shall adopt the resolution by the parties as an order of the court.

(5) The judge, magistrate, deputy registrar or case management judge shall, where the parties have failed to settle the case or undergo alternative dispute resolution mechanism, direct that the case may be set down for hearing and may, in the circumstances, determine the date on which the case shall be set down for hearing.

14. Rule 6 of Order 12 of the principal Rules is amended in sub-rule (1) by inserting the words “or may apply to the court to reinstate the suit” immediately after the words “bring a fresh suit”.
- Amendment of Order 12 of L.N. No. 151/2010.
15. Rule 2 of Order 17 of the principal Rules is amended by inserting the following new sub-rules immediately after sub-rule (4)—
- Amendment of Order 17 of L.N. No. 151/2010.
- (5) A suit stands dismissed after two years where no step has been undertaken.
- (6) A party may apply to court after dismissal of a suit under this Order.
16. Rule 9 of Order 21 of the principal Rules is amended in sub-rule (1) (c) by deleting the expression “under Section 68A of the Advocates (Remuneration Order)”.
- Amendment of Order 21 of L.N. No. 151/2010.
17. The principal Rules are amended by inserting the following new rule immediately after rule 9 of Order 21 —
- Party to file and serve letter as to costs [Order 21, rule 9A].
1. A party claiming costs at a Magistrates Court shall file a written request, statement of costs and supporting documents with the Court and serve it on the other parties with a breakdown of the costs sought.
- Respondent may admit, partially reject or wholly reject letter [Order 21, rule 9B].
2. Once served with the written request, a statement of costs and supporting documents under sub-rule 1, the Respondent may file a response with the Court within seven days of service.
- Court to make determination within 14 days [Order 21, rule 9C].
3. The Court shall consider the written request, statement of costs and supporting documents filed by the parties within fourteen days of response by the respondent and make appropriate orders as to costs.
- Court to be guided by Advocates (Remuneration) Order [Order 21, rule 9D].
4. In awarding costs, the Court shall be guided by the Advocates (Remuneration) Order.
18. Rule 12 of Order 21 of the principal Rules is amended in sub-rule 12 (2) by inserting the words “judgment or” after the words “after passing any such”.
- Amendment of Order 21 of L.N. No. 151/2010.
19. Order 22 of the principal Rules is amended by deleting paragraph (2) (j) (ii) of Rule 7 and substituting thereof with the following new paragraph—
- Amendment of Order 22 of L.N. No. 151/2010.
- (ii) by the attachment and sale of any immovable property, or by the sale without attachment or by proclamation and sale immovable property.
20. Rule 5 of Order 35 of the principal Rules is amended in sub-rule (1) by deleting the expression “10B” and substituting therefor the expression “11”.
- Amendment of Order 35 of L.N. No. 151/2010.

21. Rule 8 of Order 37 of the principal Rules is amended by deleting the words “Registered Land Act (Cap. 300) other than under sections 120, 128, 133, 138, 143 and 150” and substituting therefor the words “Land Registration Act, 2012 other than under Part VII and Part VIII”.
- Amendment of
Order 37 of L.N.
No. 151/2010.
22. Order 42 of the principal Rules is amended by—
- Amendment of
Order 42 of L.N.
No. 151/2010.
- (a) deleting rule 11 and substituting therefor the following new rule—
11. A judge of the High Court shall, within thirty days of the filing of an appeal under section 79B of the Act, peruse the appeal and give directions in accordance with the provisions of section 79B of the Act.
- (b) deleting the words “After the refusal of a judge to reject the appeal” appearing in rule 12 and substituting therefor the words “Where the judge admits the appeal”.
- (c) deleting sub-rule 13 (1) and substituting therefor the following new sub rule—
- 13 (1) Upon notice to the parties delivered not less than twenty-one days after the date of service of the memorandum of appeal the registrar shall cause the appeal to be listed for the giving of directions by a judge in chambers.
23. Order 49 of the principal Rules is amended by inserting the following new rule immediately after rule 1—
- Amendment of
Order 49 of L.N.
No. 151/2010.
- Signing summons [Order 49, rule 1A] The Registrar has power to sign summons to enter appearance.
24. Rule 14 of Order 51 of the principal Rules is amended by deleting the expression “t” appearing after the words “may file”.
- Amendment of
Order 51 of L.N.
No. 151/2010.
25. Rule 1 of Order 53 of the principal Rules is amended by deleting sub-rule (2) and substituting therefor the following new sub-rule—
- Amendment of
Order 53 of L.N.
No. 151/2010.
- (2) An application for such leave shall be made *ex parte* to a judge in chambers, and shall be accompanied by—
- (a) a statement setting out the name and description of the applicant, the relief sought, and the grounds on which it is sought; and
- (b) affidavits verifying the facts and averment that there is no other cause pending, and that there have been no previous proceedings in any court between the applicant and the respondent, over the same subject matter and that the cause of action relates to the applicants named in the application.

26. Rule 1 of Order 53 of the principal Rules is amended by deleting sub-rule (3) and substituting therefor the following new sub-rule—

Amendment of
Order 53 of L.N.
No. 151/2010.

(3) The judge may, where leave denotes stay, impose such terms as to costs and as to giving security as he thinks fit including cash deposit, bank guarantee or insurance bond from a reputable institution.

27. The Appendix to the principal Rules is amended by deleting Appendix B and substituting therefor the following new Appendix B—

Amendment of
Appendix to
L.N. No.
151/2010.

Appendix B

Case Management Checklist

Nature of the Claim:

.....
 PLAINTIFF

[Name and address of advocate:]

VERSUS

.....
 DEFENDANT

[Name and address of advocate:]

.....
 DEFENDANT

[Name and address of advocate:]

CASE MANAGEMENT CHECKLIST

Plaint Filed on		Defence filed on		Reply filed on	
Other Pleadings					

Pleadings, Statements and Bundles of Documents:

Compliance with Order 3 rule 2 and Order 7 rule 5:

	Dated Filed	Orders for compliance	Unless Orders	Compliance certified
1. Plaintiff's List of witnesses and statements				
2. Plaintiff's Indexed and paginated Bundle of Documents				
3. Defendant's List of witnesses and statements				
4. Defendant's Indexed and paginated Bundle of Documents				

	Application	Directions
5. Alternative dispute resolution.		
Should this case be referred to ADR?		

Further orders relating to pleadings and supporting statements and documents:

	Application	Orders made	Date Filed	Compliance certified
6. Amendment of pleadings				
7. Additional witness statements				
8. Additional documents				
9. Particulars				
10. Interlocutory relief				
11. Striking out				
12. Other applications				

13. Are there any objections to admissibility of any statement or documents or part thereof? When should such objection be determined?

Objections	Directions for determination of objections	Directions on admissibility

14. Issues	Yes/No	Directions	Compliance
Have Issues been agreed and filed under, if not has each party filed its Issues?			

	Application	Directions
15. Consolidation, Case Stated, Test Case		
a) Consolidation with any other suit?		
b) Agreement for Case Stated for the opinion of the Court		
c) Test Cases		

Witnesses and Evidence:

	Application	Orders
16. Witness Summonses?		
17. Admission of statements of evidence without calling the makers as witnesses?		
18. Admission of evidence on affidavit		

19. Discovery, production or inspection of documents?		
20. Interrogatories?		
21. Examination of witness by an examiner or by the issue of Commission outside court and for the admission of any such examination as evidence in court?		
22. Examination of Accounts		

23. Expert Reports

Which Experts	Date of Report	Directions on exchange	Direction on Admissibility

24. Chronologies, maps, plans etc	Yes/No	Directions	Compliance
Are directions required regarding chronologies; maps; plans; diagrams			

Hearing

25. How much time is required for the hearing?		
26. Should any evidence be taken by video conferencing link?		
27. Is case ready for hearing?		

I hereby certify that all matters which are necessary for the preparation of this case for hearing have been done and that the case may now be set down for hearing.

Judge: Dated:

Case fixed for hearing on Judge Dated

Case Management Request

Nature of the Claim:

.....
 PLAINTIFF

VERSUS

.....
 DEFENDANT

.....
 DEFENDANT

CASE MANAGEMENT REQUEST BY

Thegives notice that at the Case Management Conference the following applications will be made or orders requested:

Alternative Dispute Resolution	Application
1. Should this case be referred to ADR	

Further orders relating to pleadings and supporting statements and documents:

	Application
2. Amendment of pleadings	
3. Additional witness statements	
4. Additional documents	
5. Particulars	
6. Interlocutory relief	
7. Striking out	
8. Other applications	

9. Are there any objections to admissibility of any statement or documents or part thereof? When should such objection be determined?

What is objected to	Nature of Objections

10. Issues - Are any directions required?	Nature of Directions required

11. Consolidation, Case Stated, Test Case	Application
a) Consolidation with any other suit?	

b) Agreement for Case Stated for the opinion of the Court	
c) Test Cases	

Witnesses and Evidence:

	Application
12. Witness Summonses?	
13. Admission of statements of evidence without calling the makers as witnesses?	
14. Admission of evidence on affidavit	
15. Discovery, production or inspection of documents?	
16. Interrogatories?	
17. Examination of witness by an examiner or by the issue of Commission outside court and for the admission of any such examination as evidence in court?	
18. Examination of Accounts	

19. Expert Reports

Which Experts	Date of Report	Directions required

20. Chronologies, maps, plans, etc.		Directions required
Are directions required regarding chronologies; maps; plans; diagrams		

Hearing

	Applications
21. How much time is required for the hearing?	

22. Should any evidence be taken by video conferencing link?	
23. Is case ready for hearing?	

Dated at Nairobi this.....day of....., 20....

Drawn and filed by:

ADVOCATES FOR

to be served upon:

28. The Appendix to the principal Rules is amended by deleting Appendix C and substituting therefor the following new Appendix C—

Amendment of Appendix to L.N. No. 151/2010.

Appendix C

[O. 11, r. 4]

Case Management Conference Certificate

I hereby certify that all matters which are necessary for the preparation of this case for hearing have been done and that the case may now be set down for hearing.

Judge: Dated:

Case fixed for hearing on JudgeDated

29. The Appendix to the principal Rules is amended by deleting Appendix D and substituting therefor the following new Appendix D—

Amendment of Appendix to L.N. No. 151/2010.

Appendix D

[O. 11, r. 4]

Case Management Order

Following the case management conference held on
the.....day of.....
20.....where the following parties were in attendance-

- 1.
- 2.
- 3.

It is ordered and decreed that-

- a).....
- b).....
- c).....

Given under my hand and the seal of the court
this.....day of.....20.....

.....,

Judge

Dated the 21st January, 2020.

DAVID K. MARAGA,
Chief Justice,
and Chairman of the Rules Committee.

Civil Procedure

INDEX TO THE CIVIL PROCEDURE RULES

A

ABATEMENT -	ORDER	RULE
bankruptcy of plaintiff.....	24	6
death of parties.....	24	1, 2, 3, 4
effect of abatement or dismissal	24	7
 ACCOUNTS -		
decree for account between principal and agent..	21	16
examination of accounts by referee.....	28	9
order for accounts.....	20	9
originating summons for caveats	36	4
partnership suits, in	21	15
principal and agent suits, in.....	21	16
procedure for	20	2
receiver, of	41	4
special directions as to accounts.....	21	17
suit for	21	17
 ADDED PARTY – <i>see</i> Third Party.		
 ADDING PPARTIES – <i>see</i> parties		
 ADDRESS –		
service, for	6	6
 ADJOURNMENTS –		
sale, of	22	59
suit, of	25	2
 ADJUSTMENTS –		
suit, of	25	5
 ADMINSTRATION SUITS -		
decree in	21	14
 ADMINSTARTORS –		
claim by against, joinder of	3	5
joinder of	31	2
suit by or against	31	1
 ADMISSION –		
affidavit of	14	7
facts, of	14	4
form of	14	5
judgement on	13	2
notice of	13	1
notice to admit documents	14	2
pleading, implied in	2	3
insufficient denial in	2	11

ADVERTISEMENT -

service by	1	8
------------------	---	---

ADVOCATE-

appearance by.....	9	1
appointment, notice of	9	7
change of	9	5,6
removal from record at other instance	9	12
withdrawal, notice of	3	13

AFFIDAVIT -

contents of	19	3 - 6
discovery, in answer to	11	3
documents of	11	3
examination of deponent	19	2
interrogatories, in answer to	11	3
irregularity in form of	19	7
proof by.....	19	1

AGENT -

appearance by	9	1
appointment of, to accept service.....	9	4
business representative.....	5	10
master of ship.....	5	10
recognized.....	9	2
service on	9	3

AGRICULTURAL PRODUCE -

attachment of	22	39
custody of attached	22	40

AMENDMENT-

issues, of	8	5
pleadings, of, general	8	1, 5
costs of	8	2, 3, 5
disallowance of	8	2
Failure to amend after order.....	8	6
Mode of	8	7
With leave.....	8	3

APPEAL –

additional evidence on.....	42	27
adjournment of	42	22
appellant, non-appearance of	43	1
appellate court, equally divided.....	42	32
may determined case finally on...	41	20
of two judges or more	42	30
powers of	42	26
costs on. security for.....	42	14
decree on, certified copy to be sent to trial court	42	34

contents of	42	18
directions on	42	13
district registrar, from decision of ...	47	8
dismissal of	42	20
for want of prosecution	42	35
re-admission after.....	42	21
filing of in. district registries.....	42	10
form of	42	1
ground on.....	42	4
hearing of ex parte.....	42	23
notice of	42	15
judgement on	42	31
memorandum of	42	10
new trial on.....	42	26
notice of, to lower court.....	42	15
notice of hearing.....	42	17
contents of.....	42	18, 33
orders, from	42	9
pauper, as.....	44	1 -3
presence at	42	22
register of	42	10
re-hearing of parte	42	23
remand of cases on.....	42	24
right to begin on	42	19
APPEARANCE –		
added parties, by.....	9	9
authority for.....	1	12
court, in	10	2 -6
default of	10	1 -8
by infant	10	1
by lunatic.....	10	1
by third party	1	22
defendant only by	10	4
mode of entering.....	10	2
	ORDER	RULE
one of several plaintiffs or defendants on.		
behalf of others, by	1	13
partners by	30	5 -7
plaintiff only, by	10	3
post, by	11	3
security for	39	1
failure to furnish	10	3
suits against infants or lunatics, in	10	1
suits for liquidated amount, in	10	3, 4
third party, default of appearance by	1	17
leave to enter after time	1	20
APPELLANT –		
presence of, at appeal	42	5
security for costs by.....	42	7

APPELLIATE COURT-		
powers of	42	22, 27
APPLICATION – <i>see</i> Motion		
hearing of, generally.....	51	1
summons, by.....	51	7
transfer of, from court to chambers.....	51	8
from chambers to court.....	51	10
APPOINTMENT –		
agent to accept service, of	9	4
arbitrators, of.....	46	2
receivers, of	41	1
referee, of	28	10
umpire, of	46	4, 5
ARBITRATION – <i>see</i> Arbitrator, Umpire...		
application for.....	46	1
appointment of arbitrators.....	46	2, 4, 5, 6
award in, correction of	46	13
extension of time for making	46	8
filing of	46	10
judgement according to	46	17
modification of	46	13
referring back of	46	14
setting aside of	46	15
signing of	46	10
cost of	46	12
form of order for	46	3
statement of special case on.....	46	11
umpire, appointment of	46	4, 5
by in lieu of arbitrators	46	9
where two or more arbitrators	46	4
witnesses in	46	7
ARBITRATOR <i>see</i> - Arbitration		
appointment of	46	2, 4, 5, 6
award by, correction of	46	13
extension of time for making	46	8
filing of	46	10
judgement according	46	17
modification of	46	13
referring back of	46	14
setting aside of	46	15
signing of	46	10
power of	46	6
statement of special case by	46	11
ARREST -		
before judgment	39	1
judgement –debtor, of	22	6
appearance of, on	22	34

form of warrant of	22	32
ARREST BEFORE JUDGEMENT –		
order for	39	1
security for appearance on	39	2
ASSIGNMENT –		
decree, of	22	11
suit, of interest in	24	8
ATTACHMENT – <i>see</i> Attachment before Judgment, Garnishee Order –		
agricultural produce, of	22	38,39
application for	22	8,9
cessation of	22	27, 28
Government, against	28	18
debts, of	22	2
decree, of	22	47
determination of	22	50
immovable property, of	22	48
injunction, in disobedience of	40	2
movable property, of	22	37
negotiable instruments, of	22	45
objections to	22	51
partnership property, of	22	43
property before judgement, of	40	5 - 12
property, in custody of court, or public officer, of	22	46
not in possession of judgement-debtor	22	40
raising of	22	53
receiver, property of	41	4
removal of	22	49
rent, for decree for	22	36
salary, of	22	42
sale of property attached	22	59 - 70
shares, of	22	41
stay of proceedings in	22	52
temporary stay of	22	57
witness expenses, for	16	4
witness, property of	16	10 - 13
ATTACHMENT BEFORE JUDGMENT-		
investigation of claim to property attached ...	39	8
mode of making	39	7
not to affect rights of third parties	39	10
order for	39	5, 6
property subject to not to be re-attached ...	39	11
removal of	39	9
ATTORNEY-GENERAL –		
application or appearance by	5	9
letters of request, application for substituted service, by	5	9

AWARD – <i>see</i> Arbitration, Arbitrator –		
correction of	46	14
extension of time for making	46	9
filing of	46	11
judgment to be according to	46	18
modification of	46	14
referring back of	46	15
setting aside of	46	16
signing of	46	11
B		
BANKRUPTCY –		
plaintiff, of	24	6
BENEFICIARIES –		
representation, of	31	1
BROKER –		
sale by of negotiable instruments and shares 22	63	
BUSINESS BOOKS –		
verified copies of, for inspection	14	2
C		
CASE STATED – <i>see</i> Special Case	46	12
CAUSE OF ACTION-		
claims by or against executors, etc	3	7
death of parties	3	2-4
joinder of	3	2-4
with claims for recovery of immovable property	3	6
misjoinder of	3	5
separate trials of several in same suit	3	8
several reliefs in same	3	1
CERTIFICATE OF SALE	22	81
CERTIORARI –		
copy of order, etc., questioned	53	7
time limit for application	53	2
CHAMBERS-		
summons, to be heard in	51	1
transfer of, from court into	51	9
transfer of, to court from	51	8
CLAIM-		
CHANGE OF ADVOCATE	9	5
CHRISTMAS DAY -		
exclusion of in reckoning time.....	50	2
co-defendant, against	1	24
counter-claim	8	1

executor, etc. by or against	3	7
immovable property recovery of, for	3	6
joint defendants, against	3	5
joint plaintiffs, by	3	5
liquidated amount, for	7	3, 4
omission of portion of	3	4
property attached, to	22	55
relinquishment of portion of	3	4
suit to include whole	3	4
third party, against	1	24
third party in garnishee proceedings, of	23	6
 CO-DEFENDANTS-		
claim against	38	2
 COMMISSION- see Referee, Commissioner-		
attendance before	28	17, 18
commissioner, powers of	28	14
examination of	28	9
evidence taken on	28	18
examination of witness by	28	5, 15
expenses of	28	13
foreign courts, by	28	4
investigations, for	28	9
issue of	28	1
partition of immovable property, for	28	13
persons for whose examination may issue...	28	15
procedure	28	8
referee, examination of accounts by	28	9
return of	28	6
when to issue	28	1
witness abroad, for	28	4
witness, examination of pursuant to	28	5
attendance of, before	28	15
examination by	28	9
witness within jurisdiction, for	28	2
appearance of parties before	28	18
attendance of witnesses before	28	15
examination of witnesses by	28	15
report of	28	10
 COMMITTAL –see Imprisonment-		
disobedience of injunction for	40	2
failure to furnish security, for	39	9
judgment- debtor, of	22	23, 32, 34
resisting delivery of property sold, for	22	82
 COMMONWEALTH CITIZEN-		
Service on, out of Kenya	5	28
 COMPROMISE -		
suit of	25	5

by guardian	32	6
by next friend	32	6
CONDITION PRECEDENT -		
pleading, in	2	3
CONDUCT -		
suit, of	1	2
CONSOLIDATION-		
suit, of	11	3
application for	11	3
CONTRACT -		
joinder of persons liable on	1	6
CO-PARTNERS -		
suit between	30	8
COPIES -		
business books, of	14	2
decree, of	21	20
entries to be marked, of	14	2
judgement, of	20	19
CORPORATION -		
examination of, as to property	22	35
execution of decree against	22	28
injunction against	40	8
interrogatories to	11	3
service on	5	3
share in, sale of	22	40, 63
delivery of	21	70
COSTS -		
application to enlarge time, in	50	6
application wrongly made in	50	9
arbitration, of	46	13
decree, to be omitted from	21	9
discontinuance of suit, of	25	2
garnishee proceedings in	23	10
interpleader, of applicant in	34	6
interrogatories, of	15	2
next friend, liability of, for	32	6
originating summons, on	37	20
pauper, successful, of	33	17
unsuccessful, of	44	1
right of government to	42	8
security for	26	4
on appeal	42	14
statement of, in decree	21	9
suit in <i>forma pauperis</i> , in	33	15

summary judgment, on	36	8
taxation of, in district registries	47	9
third party, of	1	19
unnecessarily incurred by, improper denial notice to admit or produce unnecessary documents	2	11
documents	14	7
proof of documents after notice to admit	12	3
proof of facts after notice to admit	16	8
unnecessary affidavits	19	3
COUNTERCLAIM -		
Government, against	7	4
defence to	7	1
exclusion of	7	12
judgment for, when	7	14
payment into court in satisfaction of ...	27	5
reply to	7	11
statement of, to be specific	7	6
suit discontinued, when	7	13
third party, against	7	9
title of.....	7	8
COURT -		
attendance at.....	18	1-8
duty of, to frame issues.....	3	1
jurisdiction of, causes of action united.....	3	5
power of, impracticability of personal service...	18	8
inspection of property.....	18	11
inspection of records.....	18	11
mistake as to plaintiff.....	1	10
recalling witness.....	18	10
several plaintiffs.....	1	6
CROSS -CLAIMS -see Set-off. Counterclaim		
CROSS-DECREES-		
execution of.....	22	14, 15, 16
mortgage suits, in.....	22	16
D		
DEATH -		
defendant, of.....	24	1, 2,4
guardian ad item of.....	32	10
plaintiff, of	24	1, 2,3
DEBT -		
attachment of	23	1 -10
<i>see</i> judgment	3	9
DECREE-		
accounts, for principal and agent.....	21	16
administration suits, in	21	14

affecting third party	1	17
appeal, on	42	2
assignment of	22	12
attachment of	16	13
by default, fresh suit after	24	7
contents of	21	7
certified copy of decree.....	21	20
cross-decrees	22	14
date of	21	8
delivery of immovable property, for	21	10
execution of.....	21	1
application for.....	21	6
other court by.....	21	4, 5
pending appeal.....	42	4
sale in.....	21	59
simultaneous.....	21	17
<i>ex-parte</i> , setting aside of.....	22	11
immovable property, for.....	21	10
delivery of, for.....	22	11
injunction, for.....	22	28
joint.....	22	11
meisne profits, for.....	21	13
movable property, for.....	21	11
partition, for.....	21	18
partnership, for dissolution of.....	21	15
payment by instalments in.....	21	12
payment of money	22	2
possession, for.....	21	13
preparation of.....	21	8
process for execution of.....	22	20
rent, for.....	21	13
satisfaction of.....	21	49
set-off, when allowed.....	21	19
signature of.....	21	8
specific movable property, for.....	22	27
specific performance.....	22	28
 DEED -		
originating summons for construction of.....	37	1
 DEFAMATION ACTION-		
particulars.....	2	7
 DEFENCE -		
denial in, to be specific.....	2	12
distinct grounds of, to be stated.....	7	15
filing of.....	7	1, 18
time for.....	36	4
new ground of.....	7	16
relief claim, to be stated in.....	7	6
set-off and counterclaim in.....	7	2
tender, of.....	7	1A

DEFENDANT -		
adding of	1	10
appearance by.....	1	13
Recognized agent.....	9	1-6
security for.....	38	5
arrest of, before judgment.....	39	1
assignment of interest by.....	24	8
claim by co-defendant against.....	1	24
death of.....	24	4
interest of.....	1	5
General power to amend pleadings.....	8	5
joinder of.....	1	9
judgment when two or more, against.....	1	4
liability of, to be stated in plaint.....	4	5
non-appearance of.....	10	2
particulars of, in plaint.....	4	1
pauper court fees.....	33	16,17
production of property, security for.....	38	5
refusing service.....	5	14
security by, for appearance.....	39	1
failure to give.....	6	5
for production of property.....	39	5
service on, absent.....	5	12
in foreign country.....	5	27
in prison.....	5	18
outside Kenya.....	5	21
public officer.....	5	19
soldier.....	5	19
several, appearance by one or more on behalf of others.....	1	13
judgment when.....	1	4
plaintiff in doubt.....	1	7
withdrawal of defence by.....	25	1, 2
DEMEANOUR -		
witness, of.....	18	7
DENIAL -		
must be specific.....	2	11
DEPARTURE -		
pleading, in.....	2	6
DEPOSIT -		
subject-matter of suit, of.....	40	11
DETENTION OF PROPERTY –		
claim for	10	6
order for	40	10
DIRECTIONS –		

summons an appearance of third party. for	1	22
DISALLOWANCE -		
amendment of	8	2
DICLOSURE -		
partner's name of	30	2
DISCONTINUANCE		
suit of	7	13
.....	25	1
by consent	25	2
costs in	25	3
DISCOVERY -see interrogatives		
documents, of	10	11
failure to obey order for	10	3
interrogatories by	10	1
premature	10	19
DISMISSAL –		
appeal, of	42	20
suit, of	7	13
Endorsement of documents.....	14	2, 5. 6
adjourned generally	14	2
bankrupted of plaintiff	24	6
failure to give security for costs	26	5
non-appearance of parties	10	2
non-appearance of plaintiff	10	4
non-compliance with order for discovery, etc.....	10	20
non step taken for three years	21	13
on point of law	5	28
summons unserved for one year	42	35
want of prosecution	42	35
DISTRICT REGISTRAR - see District Registries		
appeal from decision of	47	8
costs, taxation of, by	47	9
general powers of	47	2
judgement entered by	36	5
preliminary steps before	47	7
who is	47	2
DISTRICT REGISTRIES		
appeal, from district registrar	47	8
appeal from subordinate courts	47	10
place trial of suit filed in	47	6
preliminary steps taken in	47	7
schedule of district registries and areas.....	47	2
Title of suits filed in a district registry.....	46	3

DOCUMENTS -

admitted in evidence	14	3
affidavit of	10	2
business books	14	2
construction of, procedure	37	
13		
copies of	7	6
endorsement on copies of admitted entries.	14	2
delivery of	6	6
discovery of	11	3
endorsement on admission in evidence	14	1
evidence, admitted or not admitted in	14	3
impounding of	14	4
inspection of	11	3
privileged	2	8
production of.....	14	6
by person present in court	15	2
summons for	16	1
return of admitted documents.....	14	5
court send records of its own or other courts....	14	6
verified copies of	14	6

E

ENDORSEMENT –

documents, of	14	1, 2
process, of	22	21

ESTATE –

order for administration of	32	2
-----------------------------------	----	---

EVIDENCE -

additional, on appeal	42	27
admissions, of	11	7
government proceedings	29	2
document in pleadings, of	2	10
document in, admission of	13	1
endorsement of	14	1
rejection of	14	5
judge incapacitated, when	17	10
non-service, of	5	20
oral	36	3
pauperism, of	35	6
pleadings, in	33	3
production of	12	8
record of	18	4
report of commission taken	28	8
report referee when	28	10
service of	5	2
several issues, when	17	3
suit transferred, when	22	4

witness leaving jurisdiction, of	17	11
EXAMINATION –		
judgement –debtor as to property, of ...	22	35
serving officer	5	16
<i>viva voce</i>	10	10
witnesses before issues framed, of	15	1
EXECUTION –		
after one year	22	18
appeal pending	41	4
application for	22	6, 7, 13
attachment of property, by	22	3, 8 - 10
attachment of salary, by	22	18
cross-claims under same decree	22	15
cross decrees	22	14
payment of decree.....	22	1
by sale	22	59 <i>et seq</i>
delivery of immovable property form ..	22	30
injunction, for specific performance..	22	28
mortgage suits, in	22	16
payment of money, for	22	26
specific movable property, for	22	27
specific performance	22	28
transferred	22	4 <i>et seq</i>
firm, against	22	44
garnishee, against	23	3
legal representative, against	22	18
oral application for	22	7
partner, against	22	44
pauper-debtor, against	22	35
pending appeal	22	4 <i>et seq</i>
process for	22	20
registrar, by order of	48	3
simultaneous	22	17
stay of	22	22, 25,
54		
transferred decree, of	22	4 <i>et seq</i>
EXECUTOR		
claims by or against	3	7
joinder of	31	2
suits by or against	31	1
EXHIBIT –		
documents as	14	1
material objects as	14	7

F	ORDER	RULE
FACTS -		
notice to admit	13	1
form of	12	5
FEES –		
recovery of from pauper	33	17
FIGURES-		
pleadings, in	2	2
FIRM - <i>see</i> Corporation, Partnership		
execution against	22	45
suit by or against	30	8
FORECLOSURE-		
when not deemed recovery of immovable property	3	6
FOREIGNER –		
service in foreign country on	5	34
FORMS IN APPENDICES TO RULES -		
use of	48	3
FRAUD -		
how pleaded	7	8
sale, in connection with	22	79
FRESH SUIT	12	2
FRIEND- <i>see</i> Next Friend, infant etc		
FRIVOLOUS PLEADING	2	15
FURTHER PARTICULARS	7	1
G		
GARNISHEE-		
costs of, proceedings	23	10
disputing liability	23	5
effect of order	23	3
execution against	23	4
order	23	1
GOOD FRIDAY –		
exclusion of, in computing time	50	9
GOVERNMENT PROCEEDINGS –		

affidavit in answer to discovery	11	10
application of rules	29,51	3
attachment against government	29	1
documents, non-disclosure	29	2
evidence in	28	18
interpretation	29	1
interrogatories	11	2
judgement in default of pleading	10	8
Judgment against government without leave 49	4	
notice to Government as third party	1	16
orders against Government	29	1
parties	1	11
pleadings against Government	1	11
proceedings in <i>rem</i>	2	17
service by Government	5	9
service on Government	5	9
set-off or counterclaim	7	4
summary judgment	36	1
venue	46	4
 GUARDIAN -		
interrogatories, discovery and inspection by	11	3
 GUARDIAN <i>ad litem</i> -		
assignment of, by court, to appear and defend suit on behalf of infant or lunatic	10	1
compromise by	32	7
death of	32	9
receipt by, of property under decree	32	6
removal of	32	9
representation by	32	4
retirement of	32	11
who may be	32	4
 H		
HEARING -		
adjourned	12	7
adjourned generally	17	2
defendant only appearing	12	3
<i>ex parte</i>	12	4
only defendant attend.....	12	5
from day to day	17	1
parties absent at	12	1
procedure if parties fail to appear.....	16	3, 4
plaintiff only appearing at	12	2
procedure at	18	1
right to begin at	18	1

I

IMMOVABLE PROPERTY –		
attachment of	22	9, 48
decree for	22	29
execution of	20	20
delivery of, after sale	22	30
resistance to	22	82
recovery of	21	10
sale of	22	68
undivided share in	22	77
suit for	4	3
joinder of	3	6
transfer of, <i>pendent litz</i>	22	85
IMPRISONMENT – <i>see</i> committal		
judgement-debtor, of	22	34
resisting delivery of property sold for	22	80
INDEMNITY – <i>see</i> Third Party		
claim for, against co-defendant	1	23
against	1	15
INFANT – <i>see</i> Minor, Next Friend –		
compromise by	32	7
payment out of moneys due to	27	10
suit against	10	1
INJUNCTION –		
corporations, against	40	8
decree far, execution of	22	13
discharge of, order for	40	7
disobedience of	40	3
notice to opposite party		
before grant of	40	3
repetition or continuance,		
restraining of	40	2
setting aside of order for	40	4
temporary	40	1
varying of, order for	40	4
where granted	40	1
INSANE PERSON – <i>see</i> Lunatic	10	1
INSOLVENCY- <i>see</i> Abatement	24	
INSPECTION –		
bankers books etc	14	2
business books , of	14	2
documents of, notice for	14	2
application for	14	2
objection to	14	2
order for	14	2
time for	14	2

notice to produce for, form of	14	2
order for, non-compliance with	17	1
property of	40	9
INSTALMENTS -		
payment by in decree	21	12
satisfaction of decree by	21	12
INSTRUMENTS –		
execution of by court	22	69
INTEREST -		
assignment of in pending suit	22	25
judgement, award in, of	10	4
INTERIM SALE	40	9
INTERLOCUTORY ORDERS-		
appeal from	42	1
deposit of money, etc., for	40	11
detention of property for	40	10
inspection of property, for	40	10
interim sale, for	40	9
preservation of property, for	40	10
procedure for	40	10
sale of perishable goods, for	10	7
INTERPLEADER –		
adverse title of claimants	34	9
averments of applicant, in	34	2
claimant, order upon in	34	4, 7
costs of applicants, in	34	6
institution of proceedings	34	3
practice	34	1
question of law	34	8
stay of suit	34	3
summary procedure.....	34	5
INTERROGATORIES –		
answer to buy affidavit	11	3
from of	11	3
further	11	3
commission for	28	1
corporations to	11	3
defamation actions in	11	3
Government, against	10	8
discovery by	15	2
failure to obey order	11	3
form of	11	4
farming of issues on	11	3
procedure	11	2

scandalous and irrelevant	11	1
submission before deliver of	11	2
use of, at trial	11	6
INVESTIGATION -		
commission to make	28	7
ISSUES -		
additional	14	1
amendment	11	1
definition of	15	1
fact of	15	2
framing of	15	1
judgement on agreed	11	5
law, of	15	1,2
several, evidence where	17	2
striking out	19	6
J		
JOINDER-		
administrators, of	31	2
causes of action, of	3	5
defendants of	1	3
when plaintiff in doubt	1	7
executors, of	31	2
husband of married trustee , etc., of		
non-joinder of parties	1	9
person, of, severally or jointly and severally		
liable on same contract	1	6
persons of, with identical interest	1	8
liable on the same negotiable instrument ...	1	6
plaintiffs, of	1	1
power of court to order separate trials	1	2
respondents, of, on appeal	42	32
separate trials,, when ordered	1	2
trustees, of	31	2
JOINT -		
decree holders, execution by	21	11
defendants, who may be	1	3
parties, judgement for or against one or more	1	4
plaintiffs, who may be	1	1
property, attachment of share in	21	15
bid by co- owner.....	22	64
JUDGE -		
endorsement of plaint wrongly filed, by	7	14
incapacity of	18	8
pronouncing judgement written and signed		
by other judge	21	2

JUDGMENT -

addition to	21	4
admissions, on	13	2
agreed issues, on	15	1
alteration of	21	6
appeal, on	42	25
appearance, on default of	10	10
arbitration, in	46	18
attachment before	39	6
contests of	21	4
copy of	21	20
cross-claims, in	22	16
declaratory	3	9
decree to conform with	20	10
default of appearance, on	10	3
<i>ex parte</i> , setting aside	10	11
liquidated demand on	10	4
party refusing to give evidence or produce document, against	16	18
pronouncement of	21	1
registrar, entered by	49	2
review of	45	1
security before	39	10
setting aside	10, 36	11, 10
Notice of intention to act in person.....	9	8
several issues, when	24	2
signed by other judge	21	2
signing of	21	3
special case on	46	12
suit compromised, when	25	5
third party, against	1	19
execution of	1	21
setting aside of	12	7
written by other judge	21	2

JUDGMENT – DEBTOR

appearing, procedure on	22	34
arrest of	22	32
attachment of property, in possession of	22	37
not in possession of	22	40
discharge of, effect	22	23
examination of	22	35
execution non-attendance of, at	22	23
imprisonment of	22	26, 27, 32
non - appearance of to summons	22	34
property of attachment	22	26, 27
resisting delivery of property sold	22	80
stay of execution, application for	22	25
subsistence allowance for	22	33

JURISDICTION

causes of action united, when	3	5
relinquishing portion of claim	3	4

L

LAND REGISTRIES		
extract from	22	10
LEGAL REPRESENTATIVE		
determination of	24	5
execution applied against	22	18
plaint in suit by	4	4
when to be brought on record	24	4, 5
LETTER OF REQUEST		
examination of witnesses, abroad, for	28	4
service of foreign legal process here for	5	32
LIEN		
applicant in interpleader suits, of	34	6
costs in suits in forma pauperis, for	33	10
LIMITATION		
how pleaded	2	4
LIQUIDATED DEMAND		
Judgment on	10	4
Non-appearance for	10	4
Several defendants, against	10	5
LOCAL INVESTIGATION		
Commission for	28	7
LUNACY-see Lunatic		
LUNATIC-		
Compromise by	27	10
Payment out of moneys due to	27	10
Suit by or against	10	1
	32	15

M

MALICE-		
how pleaded	2	10
MANDAMUS-		
application for, by leave	53	1
application for, method of	53	1
right to begin	53	5
right to be heard	53	6
MARRIAGE		
Joinder of husband of trustee, etc	31	2

MEMORANDUM OF APPEARANCE	6	2-4
MESNE PROFITS-		
Attachment before determination of	22	36
Decree for	21	13
Plaint in suit	4	2
MINISTERIAL OFFICER-		
Registrar	49	1
MINOR		
Compromise on behalf of	31	7
Interrogations, etc, in suits by or against	10	22
Guardian ad litem, appointment of	32	3
Death of	32	11
Removal of	32	11
Retirement of	32	11
Who may be	32	4
Majority, attainment of	32	12-14
Next friend; discharge of	32	12
Receipt by, of property under decree	32	6
Removal of	32	9
Retirement of	32	8
Suit by	32	1
Who may be	32	4
Plaint to state facts of minority	4	1
Representation of	32	5
Suit by or against	32	1
	32	2
MISJOINDER		
Causes of action, of	3	6-8
Parties, of	1	9
MISREPRESENTATION		
How pleaded	2	10
MISTAKE		
Apparent on face of record, review of	45	1
Name of wrong plaintiff, in	1	10
MONEY		
Attachment of decree for payment of	22	8
Deposit of, in Court	40	11
Execution of decree for payment of	22	26
Immediate execution of decree for	22	7
Payment under decree of	22	1, 2
Plaint in money suits	4	2
MONEY SUIT		
Plaint in	4	2

“MONTH”		
Meaning of	50	1
MORTGAGE SUITS		
Cross-decrees and cross-claims in	22	16
MOTION		
Adjournment of	51	6
Application by	51	1
Contents of notice, of	51	3
Dismissal of	51	4
Notice to parties, of	51	3
Powers of Court re	51	8-10
MOVABLE PROPERTY		
Attachment of, in possession of judgment-debtor	22	37
Not in possession of judgment-debtor	22	8
Other than agricultural produce	21	37
Share of judgment-debtor	22	41
Decree for	22	27
Deposit in Court of, Order for	40	11
Interim sale of	40	9
Sale of, generally	22	65-67
Perishable	40	9
Time of	22	58
Specific decree of	22	27
Time of sale of	22	58
N		
NEGOTIABLE INSTRUMENT		
Attachment of	22	45
Sale of	22	63
NEW TRIAL		
Order for	42	26
NEW FACT		
How pleaded	2	5
NEW GROUND OF DEFENCE		
	7	16
NEXT FRIEND		
Addition of, as plaintiff	1	10
Compromise by	22	7
Discharge of	22	11
Interrogations, etc, in suits by or against	10	22
Liability for costs	22	14
Receipt of property under decree by	22	6
Removal of	31	9
Retirement of	31	8
Suit by	31	1

Without	31	2
Who may be	31	4
NON-JOINDER		
Parties, of, effect of	1	9, 10
Objection to	1	10
NOTICE		
Advocate, appointment of	9	7
Change of	9	6
Withdrawal of	9	12
Appearance, of	9	2
Appellate court, to lower court from	42	23
Arrest, before	42	23
Attachment of property in custody of court by	22	46
Award, of filing of	46	10
Case, of admission of	13	1
Documents, of admission of	13	2
To produce for inspection	16	1
Execution, to show cause against	22	18
Partner, to	30	4
Person, of intention to act in	9	8
Pleaded, how to be	2	10
Service of	48	2
Summons, in lieu of	5	28
Third party, to	1	16
NOTIFICATION		
Resale of immovable property, of	22	72
Sale by public auction, of	22	57
O		
OFFICER OF COURT		
Sale, bidding at	22	62
ORAL APPLICATION-see Execution		
ORDER		
Affidavit of documents, for	10	11
Appeal from	42	1,2
Attachment of debt, for	23	1
Government, against	29	2,4
Defence, for fixing time to file	5	26
Impounding documents, for	14	4
Inspection of documents, for	11	3
Interrogatories, to answer	10	10
Production of documents, for	10	13
Proof by affidavit, for	19	1
Service of	48	2
Vesting	22	67

ORIGINATING SUMMONS

Accounts, for	37	11
Adjournment of, into Court	37	20
Administration of estate in trust, for	37	2
Deeds, for construction of	37	20
Directions on	37	16
Filing of	37	15
Form of	37	14
Hearing of	37	17
Matters for which taken out	37	1,2
Mortgagor or mortgagee, by	37	4
Partner by	37	10
Person interested in deed or will, by	37	11
Power of court in	37	19
Vendor or purchaser by	37	3
Who may take out	37	1
Will, for construction of	37	11

P

PARTICULARS

Further and better	2	10
Pleadings, in	2	2-8

PARTIES

Absence of, at hearing	12	3, 4
Adding	1	10
Appearance by, added	7	10
Application for	1	14
Defendant as	1	10, 13
Plaintiff as		1
10, 13		
Agents of	9	2
Appearance by	9	1, 2
Bankruptcy of plaintiff	24	6
Before commissioner	28	16
Government proceedings, in	1	11
Death of	24	1-4
Defendant	1	3
Interest in relief claimed	1	5
Joinder of	1	6
Numerous, some defending on behalf of all	1	8
Hearing, non-attendance at	12	2-5
Joinder of, as defendant	1	3, 7
Joinder of, as plaintiff	1	1
Joint, judgment in case of	1	4
Mis-joinder of	1	9
Mistake as to	1	10
Non-appearance of	10	2
Non-joinder of	1	9
Plaintiff, bankruptcy of	24	6
Doubt of, as to	1	7

Interest of, in relief sought	1	4		
Joinder of	1	6		
Several, with identical interest	1	13		
Proceedings by agreement of	35	4		
Producing document, refusing to	16	19		
Right of, when suit brought or defended on				
On their behalf	1	8		
Special case by	35	5		
Striking out	1	10		
Application for	1	14		
Substitution of	1	10		
Witness as	16	2		
PARTITION				
Appointment of person to	28	12		
Decree in suits for	21	1		
Expenses of	28	13		
Procedure on	28	12		
PARTNERS -see Partnership				
Accounts, on attachment of share	22	43		
Appearance by	30	5-7		
Execution in suit between	30	8		
Firm name, may sue or be sued in	30	1		
Names of, disclosure of	30	2		
PARTNERSHIP				
Appearance by	30	5		
Attachment of property of	22	43		
Disclosure of partners, names			30	2
Dissolution of, decree for	21	15		
Execution against	22	43		
Service on	29	3, 4		
Share in, delivery of	22	60		
Sale of	21	64		
Suit between firm and partners	30	8		
Suit by or against	30	1		
PAUPER				
Admission to sue as	33	8		
Appeal by	44	1		
Appellant, inquiring into pauperism of	44	2		
Application by, to use in forma pauperis	33	2, 3		
Hearing of	33	7		
Rejection of	33	5		
Costs, generally	33	15		
Costs, when successful	33	10		
When unsuccessful	33	11		
Defendant	32	16, 17		
Definition of	33	1		
Dispaupering	33	9, 11		
Examination of	33	4		

Evidence of pauperism	33	6
Subsequent suit by, when barred	33	14
Suit by	33	1
PAYMENT INTO COURT		
Acceptance of in full satisfaction	27	2
Before defence	27	1
Counterclaim, in satisfaction of	27	5
Court, by order of	27	3, 10
Defendant, by	27	1
Investment of	27	8
Money held as trustee	40	11
Money under decree, of	22	26
PAYMENT OUT OF COURT		
Decree-holder, to	22	2
Money due to infant or lunatic, of	27	10
Money paid in under order of Court, of	27	9
Plaintiff, to	27	2
PECUNIARY DAMAGES		
Claim for	10	6
PERSON OF UNSOUND MIND-see Lunatic		
PLAINT		
Accounts, in suits for	4	2
Amendment of	8A	1-3,5
Without leave	8A	1
Breach of trust, how stated in	8	8
Condition precedent, specification of, in	8	3
Copies of	4	8
Filing of	4	2
	7	8
Fraud, allegation of, in	2	10
Immovable property for	4	3
Interest and liability of defendant to be stated in	4	5
Interpleader suit, in	35	1
Knowledge, how pleaded in	2	10
Law, how pleaded	2	9
Leave to amend	8	3
Malice, how pleaded in	2	10
Mesne profits, for	4	2
Particulars of	4	1
Relief claimed, to be stated in	4	6,7
Representative character, in suits in	4	4
Return of	4	9
Scandalous matter in	2	15
Signing of	2	16

PLAINTIFF

Abandonment of claim by	25	5
Added, consent of party	1	10
Appearance of one of several	1	13
Assignment of interest by	24	8
Bankruptcy of	24	6
Character of, in plaint	2	8
Death of	24	1-3
Joinder of	1	1
Misjoinder of	1	9
Mistake as to	1	10
Next friend as	1	10
Non-appearance at hearing	12	2, 3
Numerous, appearance by one or more	1	8
Particulars of, in plaint	4	1
Pauper	33	1
Security for costs, by	26	1
Substitution of	1	10
Withdrawal of suit by	25	1, 2

PLEADING

Amendment of		
Generally	8	4
Reply to	8	1
Service of	8	1
With leave	8	3
Without leave	8	1
Breach of trust, how alleged	2	10
Closed, when	7	17
Condition precedent, how alleged in	2	3
Government proceedings against	2	1
Damages in	2	3,1
Departure from	2	6
Documents in, effect of	2	3
Documents referred in	10	14
Notice to produce	10	15
Embarassing, etc	2	15
Evidence not to be stated in	2	3
Facts in , material only	2	3
Failure to amend after order	8	6
Filing of	7	18
Fraud, how stated in	2	10
Frivolous or vexatious	2	15
Insufficient denial in	2	11
Malice, knowledge, etc, how stated in	2	10
Misrepresentation, how alleged in	2	10
New ground of defence or set off in	7	16
Notice, how alleged in	2	10
Objections to	2	14
Particulars of	2	3, 8
Points of law in	2	7
Presumptions of law, allegation of, in	3	6
Reply to amended	8	1

Signing of	2	16
Special pleas in	2	4
Striking out	2	15
Subsequent	7	17
Technical objections to	2	14
Undue influence, how alleged in	2	8
Willful default, how alleged in	2	8
POINTS OF LAW		
Pleading in	2	9
POSSESSION		
Decree for	21	13
Delivery of, when in occupation of tenant	22	30
Plea of	2	4
Resistance to	22	82
POST		
Service by, on corporations	5	3
PRACTICE		
Adjourned hearing, on failure to appear at	17	3
Application, on	50	1
Conflict of rules of	48	4
Execution, on application for	22	6
Interrogatories, on failure to answer	10	20
Judge vacating office before signing decree	21	9
Lunatics, in suits by or against	32	15
Minors, in suits by or against	32	1
Motion, on	50	2
Orders, on appeal from	42	2
Parties having default	6	3
Pauper, suits by	33	1
Plaintiff only appearing	12	2
Summary suits, in	36	5
Witness failure of to attend	16	10
PRELIMINARY DECREE		
Accounts, in suits for	21	14
Administration suits, in	21	14
PRESERVATION OF PROPERTY		
	40	1
PRESUMPTIONS		
Not to be pleaded	2	3
PRISONER		
Service on	5	18
PRIVILEGE		
Documents for inspection, claim of	10	18
PROBATE		
Suit, service in	5	24

PROCEDURE-see Practice		
PROCESS-see Practice		
Costs of service of	48	1
Notices, services of	48	2
Orders, service of	48	2
Time of day for service of	50	9
PROCESS-SERVER		
Endorsement of process by	22	21
PROCLAMATION		
Sale by public auction, of	22	57
Withdrawal of attachment, of	22	49
Witness disobeying summons, issue of, for	16	10
PRODUCTION OF DOCUMENTS		
Endorsement on	13	1, 2
Inspection, for	10	15
Notice for, form of	12	8
Order of	10	13
PRODUCTION OF MATERIAL OBJECTS	13	7
PROMISSORY NOTE		
Joinder of parties liable on same	1	6
PROSECUTION		
Suit, of, want of	17	2
PUBLIC AUCTION		
Sale by	22	57, 64
PUBLIC HOLIDAY		
Exclusion of, in reckoning time	50	2
PUBLIC OFFICER		
Appearance by	9	1
Attachment of salary of	22	42
Security from	42	8
Service on	5	19
R		
RAILWAY SERVANT		
Attachment of salary of	22	42
Service on	5	19
RECEIVER		
Account, liability of, to	41	3
Appointment of	41	1
	29	4

In execution against partner	22	43
Enforcement of	41	4
Remuneration of	41	2
RECOGNIZED AGENTS		
Service on	9	3
Who are	9	2
RECORDS		
Garnishee proceedings of, when filed	23	9
Inspection of by Court	14	6
REFEREE		
Appointment of	28	9
Attendance of witness before	28	15
Examination of witnesses by	28	15
Expenses of reference	27	15
Instructions to	28	10
Powers of	28	13
REGISTER OF SUITS		
REGISTRAR-see District Registrar	3	3
Civil court, when	49	6
Execution, order of, by	49	5
Judgment entered by	49	2
Special powers of	49	1
RE-HEARING –see Review.....	45	
RELEASE		
Property of, from attachment	22	53
RELIEF		
Founded on separate grounds	4	7
General	4	6
Judgment for or against one or more joint parties	1	4
Same causes of action, arising out of	3	4
Statement of in plaint	4	1, 6
When counterclaim established	7	14
RELINQUISHMENT		
Amount to be stated in plaint	4	1
Claim, portion of	4	1
REMAND		
Appeal, case on	42	24
RENT		
Attachment of, before ascertainment of	22	36
Decree for	21	13
Receiver, collection of, by	41	1
REPLY		

Counterclaim, to	7	11
Joinder of issue in	6	10
Pleading subsequent to	2	12
Time for filing	7	17
REPRESENTATIVE CAPACITY		
Claims by or against parties in	3	7
Denial of	7	6
Plaint, statement of, in	4	4, 8
RE-SALE		
Deposit, on failure to	22	60, 69
Purchase money, on failure to pay	22	71, 72
RESPONDENT		
Presence of, at hearing of appeal	42	16
RETURN		
Commission, of	28	5
Plaint, of	4	9
Purchase money, of	22	78
REVIEW		
Application for	45	1
Grant of	45	3
Rejection of	45	3, 5
To whom made	45	2, 4
Bar of subsequent application for	45	6
RIGHT		
Declaration of	3	9
RIGHT TO BEGIN		
On appeal	42	19
S		
SALARY		
Attachment of	22	18, 43
SALE		
Adjournment of	22	59
Agricultural produce of	22	37
Broker by	22	63
Certificate of	22	79
Conduct of	22	56
Confirmation of	22	77
Decree-holder bidding at	22	61
Defaulting purchaser	22	60
Delivery of property sold	22	66, 80, 81
Resistance to	22	82-84
Immovable property, of	22	68-70

In occupancy of judgment-debtor	22	80
In, occupancy of tenant	22	81
Immovable property, of	22	68-70
Undivided, of	22	73
Interim, when ordered	40	9
Irregularity in	22	65, 75
Movable property, of	22	65-67
Delivery of	22	66
Notification of	22	57
Perishable goods, of	40	9
Procedure on	22	56
Property attached, of	22	55
Property of defaulting witness	16	10
Public auction, by	22	57, 64
Purchaser defaulting	22	79
Purchase money, return of	22	79
Resale	22	60, 72
Restriction on bidding at	22	62
Setting aside	22	75-77
Shares, of	22	63
Stoppage of	22	59
Time of	22	58
Undivided property, of	22	73
SATISFACTION		
Cross-decree, by	22	15, 16
SECURITY		
Appearance for	39	1, 2
Costs, for	26	1
Failure to give	39	4, 6
	26	5
On appeal	42	14
Pending appeal	42	7
When time to furnish excluded	50	5
Discharge of surety	39	3
Execution, for stay of	22	22
Failure to furnish	26	1
	39	4, 6
Government, from	42	8
Guardian ad litem, by	32	6
Next friend, by	32	6
Production of property, for	39	4
Receiver, from	41	3
Stay of execution, for	22	22
S		
SERVICE		
Acceptance of, by agent	9	5
Acknowledgment of	5	13, 20
Address for	6	2, 3-4

Adult member of family, on	5	12
Affidavit of	10	2
Agent, on	6	9-12
On recognized	5	3
By whom affected	5	5
Kenya, out of	5	21-26
Corporation on	28	2
Government, on	5	9
Defendant, on absent	5	12,14
On refusing	5	14
Where several	5	7
Endorsement of	5	15
Evidence of	5	20
Foreign country, in	5	27, 28
Foreign legal process, of	5	29-31
Jurisdiction, out of	5	6, 21-28
Mode of	5	7
Numerous defendants, on	5	7
Out of Kenya	5	21-26
Out of jurisdiction	5	21-28
Out of local jurisdiction	5	6
Partner, on	30	4
Partnership	30	3
Personal	5	8
When impracticable	1	8
Prisoner, on	5	18
Probate suits, in	5	24
SERVICE		
Public officer, on	5	19
Return of	5	15
Serving officer, duties of	5	14,15,20
Soldier, on	5	19
Substituted	5	9-12,
14,17		
Suit relating to business, in	5	10
Suit relating to immovable property, in	5	11
Summons by the Government	5	31
Time of day for	50	9
Witness summons, of	15	8, 9
SERVICE OUT OF JURISDICTION		
Appearance, time for	5	26
Application for	5	25
British subject, on	5	27
Foreign country, in	5	29
Foreigner, on	5	27
SERVING OFFICER		
Duties of	5	14, 15, 20
Examination of	5	16
Return of service by	5	15

SET-OFF		
Claim by way of	7	3
Government, against	7	4
Decree when, allowed	10	18
Founded on separate grounds	7	15
SHARES		
Attachment of	22	41
Sale of, in execution	22	59
SHIP		
Master of, service on	5	10
SHORTHAND NOTES		
Taking of	18	4
SOLDIER		
Service on, how effected	5	19
SPECIAL CASE		
Agreement to state	35	1
Filing of	35	3
Hearing of	35	5
Parties to	35	4
Statement of, by arbitrator	46	12
Value of subject-matter of	35	2
SPECIFIC MOVABLE		
Decree for, execution of	22	27
SPECIFIC PERFORMANCE		
Decree for	22	22-25
STAY OF EXECUTION		
STAY OF PROCEEDINGS		
Appeal, pending	42	6, 7
Interpleader application, on	34	3
Next friend, on removal of, etc	32	10
Several suits against the same defendant	38	1
Similar suits, in case of	38	2
Suits of	4	3
Subsequent to withdrawal	28	3
STRIKING OUT		
Issues	14	5
Names of parties	1	10
Pleadings	2	15
SUBSISTENCE ALLOWNACE		
Judgment-debtor, on arrest of	22	33

SUBSTITUTED SERVICE

Effect of	5	17
Generally	5	9-12, 14,17,27,30

SUIT

Abatement of	5	1
	24	1, 3, 4
Adjourned hearing of	12	2
Adjustment of	14	6
Administration	21	14
Administrators, by or against	31	1, 2
Assignment of	24	8
Attendance at hearing of, failure	12	2-6
Bankruptcy, dismissal of, for	24	6
Barred, when	9B	7
Business, relating to, service in	5	10
Claim to include whole	3	4
Compromise of	25	5
Conduct of	1	12
Consolidation of	11	1
Corporation, by and against	29	1, 2
Counterclaim, discontinuance of	7	13
Defendant, not attending at hearing	12	2, 3, 6
Detention of goods, for	11	13,14,15,19
Dismissal of	10	20
	31	2, 14
Frivolous	2	15
On bankruptcy	24	6, 7
On failure to give security for costs	26	5
On failure to prosecute	17	2, 5, 6
Dismissal, setting aside	12	6
Executors, by or against	31	1
Firm, against	30	9
Between firm and partners	29	8
Fresh	12	6
Frivolous, dismissal or stay of	2	15
Hearing of, defendant not attending at	12	2,3, 5
Defendant only attending at	12	4, 6
Ex parte	10	9
From day to day	17	1
Plaintiff only attending at	12	3
Plaintiff not attending at	12	2,4,6
Setting down, for	9	9
Immovable property, re	4	3
Service in	5	11
Infant against	10	1
Infant by	22	1
Instituted without next friend	22	2
Institution of	2	1
Institution of, where	47	1

Interpleader	34	1
Joinder of trustees, etc, in	31	2
Liquidated amount, for	10	4
Lunatic, against	10	1
By	32	1
Mesne profits, for	4	2
Money, plaint in	4	2
Next friend without	32	2
Partnership, by or against	30	1
Paupers, by	33	1
Plaintiff not attending at hearing of	12	2,4, 6
Plaintiff only attending at hearing of	12	3
Probate, in service	5	24
Prosecution of, failure of	17	2, 5 ,6
Recovery of immovable property, for	9	3
Register of	3	3
Re-hearing of	45	5
Remand of	23	8
Review of	44	1
Revival of	24	7
Security for costs in, failure to give	26	5
Service in certain	5	10,11, 22
Several against same defendant	38	1
Similar	38	2
Stay of	2	15
Subsequent to withdrawal	24	4,5
Test	38	1
Trustees, by or against	31	1
Whole claim to be included in	3	4
Withdrawal of	25	1
SUMMARY JUDGMENT		
Application for	36	2
Claim, for part of	36	5
Costs on	36	8
Government proceedings	36	3
Defendant showing cause on	36	2
Leave to defend in	36	4, 7
Procedure on	36	1
Several defendants, when	36	6
SUMMARY PROCEDURE-see Summary Judgment		
SUMMONS-see Service		
To produce documents	16	6
Endorsement on, by person served	5	13
By serving officer	5	14, 15
Issue of	5	3
Non-service of	5	20
Orders, for	5	3, 5
Originating	27	1
Plaint to accompany	5	1

Sealing of	5	6
Service of, by whom	5	5
Declaration of	5	13, 16
Duty of person effecting	5	20
Impossibility of	5	20
Mode of	5	5
Signature on	5	1
Witness	15	1
SUNDAY		
Exclusion of in reckoning time	50	2
SURETY		
Application of to be discharged	39	3
T		
TAXATION		
District registries, in	47	9
TECHNICAL OBJECTION		
Pleading, to	2	14
TENDER		
Defence of	27	3
Witness expenses, of	15	2
TEST SUIT		
THIRD PARTY		
Appearance by	7	10
Default of	1	21
Directions	1	22
Claim against	7	9
Co-defendant	1	24
Costs between other parties and	1	16-19
Default of appearance by	1	17
Indemnity by	1	14
Judgment against, or default after trial	1	19
Without trial	1	20
Notice to	1	16
Procedure	1	25
TIME		
Amendment of pleadings, for	8	1-6
Appearance of	6	1
Close day, expiring on	50	3
Computation of	50	2
Defence, for filing	5	26
Documents, for inspection of	10	16
Enlargement of	50	7
Interrogatories, for filing affidavit in answer to	10	17

“month” meaning of	50	1
Payment of purchase money, of	22	70
Power to enlarge	50	6
Reckoning of	50	8
Sale, of	22	58
Security for costs, when excluded	50	5
Service, for	16	9
	50	9
Summons, for service of	16	9
Sunday, expiring on	50	3
 TRANSFER OF DECREE	 22	 4-6
 TRIAL		
Place of	47	6
Separate, when ordered	3	8
 TRUSTEE		
Joinder of	31	2
Money held by, deposit of	40	11
Suit by or against	31	1
 U		
 Umpire-see Arbitration	 46	 4, 5
Appointment of	46	9
Arbitration by	46	12
Award of, correction of	46	10
Filing of	46	13
Modification of	46	14
Referred back to	46	15
Setting aside of	46	10
Signature of	46	6
Power of	46	11
Special case, statement of, by		
 UNDUE INFLUENCE	 2	 10
How pleaded		
 UNSOUND MIND- see Lunatic.		
 V		
 VALUE		
Property of	35	2
Subject-matter, of, to be stated	35	2
 VENDOR OR PURCHASER		
Summons by	37	3
 VENUE	 47	 4,6

VERIFIED COPIES		
Business books, of	10	18
	W	
Dismissal of appeal for	42	35
Dismissal of suit for	24	7
WARRANT		
Affixing copy of	22	29
Arrest of defendant before judgment, for	33	1
Arrest of defaulting witness, for	16	10
Arrest of judgment debtor, for	22	31, 32
Endorsement on	22	21
Witness, for defaulting	16	10
WILL		
Construction of, originating summons for	37	11
WITHDRAWAL-see Discontinuance		
WITNESS		
Apprehended	16	17
Arbitration, before	46	7
Attachment of property of	16	10-13
Attendance of	16	14, 15
	28	14
Commission for examination of	28	1
Commissioner, examination of, by	28	17
Attendance of, before	28	17
Court, in	16	7
Departing	16	15, 16
Demeanor of	18	7
Discharge of	16	4
Evidence of, on commission	28	10
Leaving jurisdiction	18	9
Examination of	18	3
	28	5, 18
Expenses of	16	2-4
Fining of	16	12
Party as	16	19
Recalling of	18	10
Summoning of	16	1
Summons for, contents of	16	5
Failure to comply with	16	10-13
Service of	16	8, 9