

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MILIMANI
COMMERCIAL AND ADMIRALTY DIVISION
CIVIL SUIT NO. 245 OF 2022

BETWEEN

ABC SUPPLIES LIMITED PLAINTIFF

AND

XYZ CONTRACTORS LIMITED DEFENDANT

SUPPORTING AFFIDAVIT

(In support of the Application for Leave to Effect Substituted Service)

I, **PETER MWANGI KARIUKI**, of Post Office Box 44821–00100, Nairobi in the Republic of Kenya, Advocate of the High Court of Kenya, do hereby make oath and state as follows:

1. THAT I am an Advocate of the High Court of Kenya practising under the name and style of M/s Kariuki & Company Advocates, the firm on record for the Plaintiff herein, and I am therefore competent and duly authorised to swear this Affidavit.
2. THAT the facts deposed to herein are within my own knowledge save where the same are stated to be on information and belief.
3. THAT the Plaintiff filed the instant suit on the 14th day of October 2022 seeking payment of the sum of Kshs. 8,450,000/= being the value of goods sold and delivered to the Defendant, together with interest and costs.
4. THAT summons to enter appearance were duly issued by this Honourable Court on the 21st day of October 2022 and remain valid.
5. THAT the Defendant's last known place of business is Plot No. 1234, Enterprise Road, Industrial Area, Nairobi.
6. THAT attempts to serve the Defendant personally at the said address have been unsuccessful.
7. THAT all reasonable efforts have been made to trace the Defendant without success.
8. THAT I am advised by my client, which advice I verily believe to be true, that the Defendant is evading service of the summons herein.

9. THAT I am further advised that service by way of an advertisement in a newspaper of national circulation would be the most efficacious mode of bringing the suit to the attention of the Defendant.
10. THAT unless leave is granted to effect service upon the Defendant by way of substituted service, the Plaintiff will suffer prejudice and the suit will be unduly delayed.
11. THAT it is in the interest of justice that this Honourable Court be pleased to grant the orders sought.
12. THAT what is deposed to hereinabove is true to the best of my knowledge, information and belief.

SWORN by the said **PETER MWANGI KARIUKI)**

at Nairobi this 8th day of December 2022)

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) **DEPONENT**

BEFORE ME:

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COMMISSIONER FOR OATHS

DRAWN & FILED BY:

M/s Kariuki & Company Advocates
Bishops Court, 3rd Floor
Bishops Road, Upper Hill
P.O. Box 44821-00100
NAIROBI

TO BE SERVED UPON:

XYZ CONTRACTORS LIMITED
Plot No. 1234, Enterprise Road
Industrial Area
NAIROBI