**Kearsley (Kenya) Ltd v Anyumba and others**

**Division:** High Court of Kenya at Nairobi

**Date of judgment:** 15 January 1974

**Case Number:** 1026/1972 (44/74)

**Before:** Harris J

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*[1] Civil Practice and Procedure – Service of summons – Unincorporated association – Summons must*

*be served personally on named defendants – Civil Procedure* (*Revised*) *Rules* 1948, *O.* 1, *r.* 8 (*K.*)*.*

*[2] Civil Practice and Procedure – Notice – To members of unincorporated association – Solely to*

*allow members to apply to be joined – Civil Procedure* (*Revised*) *Rules* 1948, *O.* 1, *r.* 8 (*K.*)*.*

**Editor’s Summary**

The plaintiff obtained a court order allowing him to join named defendants who were alleged to be members of an unincorporated association and to publish a notice to all members of the association giving notification of the suit. The plaintiff published the notice and thereafter applied for judgment against such of the named defendants who had not appeared.

**Held –**

(i) the named defendants have to be served personally with summons;

( ii) the court cannot require any person to appear or defend the suit;

(iii) the advertisement is merely to bring the existence of the suit to the notice of other members of the

association in case they wish to apply to be added as parties.

Application dismissed.

**No cases referred to in judgment**