**Kerai v Zahra Industries Ltd**

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

**Date of judgment:** 3 June 1974

**Case Number:** 1703/1972 (116/74)

**Before:** Chesoni, J

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*[1] Civil Practice and Procedure – Summons for directions – Whether provisions retrospective – When*

*summons mandatory – Civil Procedure Rules, O.* 51 (*K.*)*.*

**Editor’s Summary**

A case was fixed for hearing in January 1973 and then taken out of the list in June 1973. In August 1973

it was fixed for hearing *ex parte* in May 1974.

On the hearing the defendant objected that the plaintiff had not complied with the requirement to take

out a summons for directions. The provision was introduced in April 1973. The plaintiff contended that

the rules were not retrospective.

**Held** – the taking out of a summons for directions is only mandatory in cases in which the pleadings

closed after April 1973.

**Case referred to Judgment:**

(1) *In re Kely Son & Verden*, [1901] 1 Ch. 467.