



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MILIMANI LAW COURTS

CIVIL CASE NO 440 OF 2011

FORMERLY NAKURU HCCC NO 299 OF 2009

FORMERLY NAKURU HCCC 1227 OF 1996

FORMERLY NAKURU HCCC 125 /93 AND NAKURU 132/93

EDWARD KINGS ONYANCHA MAINA

T/A MATRA INTERNATIONAL ASSOCIATES.....PLAINTIFF

VERSUS

CHINA JIANGSU CORPORATION.....1ST DEFENDANT

JAMES OCHIENG ODUOL.....2ND DEFENDANT

RPV WENDOH.....3RD DEFENDANT

JOSEPH NYAMU.....4TH DEFENDANT

MARY G. MUGO.....5TH DEFENDANT

K.H. RAWAL.....6TH DEFENDANT

JOHN PHILIP RANSLEY.....7TH DEFENDANT

HON. CHIEF JUSTICE.....8TH DEFENDANT

THE ATTORNEY GENERAL.....9TH DEFENDANT

RULING (4)

1. At the time of reserving several Rulings in respect of this matter, the Plaintiff sought to have this court deliver a Ruling in respect of his Notice of Motion application dated 22nd September 2014 and filed on 30th September 2014. Mabeya J heard and dismissed the same. This position was correctly pointed out by the 1st and 2nd Defendant herein.

2. This court cannot therefore seat and make a determination of the same application, the same having been decided by a judge of equal and competent jurisdiction. The Plaintiff cannot re-litigate the same application no matter how much he felt aggrieved by the decision.

DISPOSITION

3. For the foregoing reasons, the upshot of this court's direction was that the Plaintiff's request to re-open the hearing and determination of his Notice of Motion application dated 22nd September 2014 and filed on 30th September 2014 was misconceived and the same is hereby disallowed.

4. To avoid numerous applications being filed against the Defendants in respect of the same complaints that have been raised herein, it is hereby directed that the Plaintiff shall not file any application against them without leave of the court.

5. It is so ordered.

DATED and **DELIVERED** at **NAIROBI** this **30th** day of **July** 2020

J. KAMAU

JUDGE