

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

CIVIL CASE NO. 387 OF 2014

MARGARET GACIGI GECAGA.....PLAINTIFF

VERSUS

GATEWAY INSURANCE CO. LTD.....1ST DEFENANT

UDI MAREKA GECAGA.....2ND DEFENDANT

QUINVEST LIMITED.....3RD DEFENDANT

DIRECTIONS

The genesis of the dispute herein going by the plaint filed on 13th November, 2014 is clearly a commercial dispute between the parties herein. Although the application before me dated 20th January, 2015 relates to striking out of the plaint, it cannot be divorced from the interests of the parties as appear in the pleadings.

When I took over the matter, several judges in the Civil Division had handled the same at different stages without addressing the pleadings. It is when I retired to prepare the ruling that it occurred to me this matter should have been placed before the Commercial Division of the High Court.

In view of the foregoing, I have decided to defer the case to the correct division for the judges to address the issues after due notice to all parties herein. I direct counsel to appear before the Duty Judge of the Commercial Division on 6th March, 2018 for appropriate directions.

Dated, signed and delivered at Nairobi this 27th Day of February, 2018.

A. MBOGHOLI MSAGHA

JUDG