

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

CIVIL CASE NO. 232 OF 2016

JOHN MITHAMO WASUSANA.....PLAINTIFF/APPLICANT

VERSUS

NDIMA TEA FACTORY COMPANY LTD....DEFENDANT/RESPONDENT

DIRECTIONS

The ruling of this case was to be delivered today. However when I retired to prepare the ruling, it transpired that I have in the past handled a similar dispute between different parties, this being **Civil Case No. 106 of 2017, Stephen Maina Githiga v Kiru Tea Factory Company Ltd and Others**, and on 14th December, 2017 delivered a ruling relating thereto.

In that ruling, this court addressed issues that may be in one way or another a reflection of the dispute between the parties in the present case. If I were to proceed and write a ruling in this matter, I would be citing my own decision which has been referred to by counsel for the respondent.

In that case, I feel conflicted because I will be approaching the dispute with a fixed mind. The parties in the circumstances would be denied the opportunity or benefit of another view other than of this court. I feel constrained therefore to defer this matter to any other Judge in the Division to write the ruling based on the material on record.

Dated, signed and delivered at Nairobi this 21st Day of June, 2018.

A. MBOGHOLI MSAGHA

JUDGE