

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

MILIMANI LAW COURTS

CIVIL CASE NO. 205 OF 2016

J J (a minor suing through

J K G and J M J His father and

mother as next friends).....1ST PLAINTIFF

F J (a minor suing through

J K G and J M J her father and

mother as next friends).....2ND PLAINTIFF

VERSUS

GENERAL ACCIDENT

INSURANCE COMPANY LTD.....DEFENDANT

DIRECTIONS

This matter was scheduled for judgment today. However, I am unable to deliver any judgment because when I retired to prepare the said judgment, it occurred to me that specific references have been made to the judgment of this court in Civil Case No. 236 of 2010.

The pleadings in the present case are premised on the submission that the defendant has a duty to satisfy that judgment. Having held the defendant in that case is liable to the plaintiffs, I consider myself conflicted to the extent that, the same court may not handle another claim against the defendant herein, who was the insurer of the defendant in the earlier case.

I appreciate the anxiety demonstrated in the previous proceedings under HCCC NO. 236 of 2010 and the age of that claim. That notwithstanding, I must defer these proceedings to another Judge in the Division to write the judgment based on the evidence and submissions by the parties herein.

Dated, signed and delivered at Nairobi this 13th Day of June, 2018.

A. MBOGHOLI MSAGHA

JUDGE