

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI LAW COURTS
ENVIRONMENT AND LAND COURT
ELC. NO.1196 OF 2004

RAJNI KANT NATHOO..... PLAINTIFF

VERSUS

EDWARD NTHULI.....1ST DEFENDANT

PAUL GITHAIGA NG'ANG'A.....2ND DEFENDANT

RAMJI MANJI SHAMJI.....3RD DEFENDANT

COMMISSIONER OF LANDS.....4TH DEFENDANT

HON. ATTORNEY GENERAL.....5TH DEFENDANT

RULING

This matter has been handled by various judges but the matter came before me for the first time on 2nd November 2015 for hearing. It is on this very first time that Counsel for the 2nd and 3rd Defendants, Mr. Gichuki Kingara has requested me to recuse myself from hearing this suit on the grounds that I have declined to hear his Notice of Preliminary Objection filed on 29th October 2015.

I do not see any good reason to recuse myself from hearing this suit and so I decline to recuse myself. I will however allow for the hearing of the Notice of Preliminary Objection filed on 29th October 2015 before the hearing of the main suit.

The 2nd and 3rd Defendants are directed to file and serve their written submissions within 14 days from today's date. The other parties may file and serve their written submissions within 14 days of service.

The court shall then give a mention date for confirming compliance and to give a ruling date.

DELIVERED AND SIGNED AT NAIROBI THIS 29TH DAY OF JANUARY 2016.

MARY M. GITUMBI

JUDGE