

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

HIGH COURT CIVIL APPEAL NO 22 OF 2016

MICHAEL KUNGU KIGIAAPPELLANT

VERSUS

AGRICULTURAL FINANCE CORPORATION.....DEFENDANT

R U L I N G/DIRECTIONS

This is an appeal from CMCC 257 of 1996 at Meru.

I have in the past dealt with matters involving this litigant. He told my Court that he could not get Justice from me. I recused myself from hearing any matter involving him.

Justice must not only be seen to be done but must appear to be done. Where there is even the faintest smell of bias, a Judicial Officer like myself must consider if it is proper and just to hear a litigant. The litigant stated in a veritably pellucid manner that he could not obtain Justice from me. I also on 11/10/2013 dismissed an application in this matter in which he sought the transfer of the suit from the lower Court to this Court after it had been in the lower Court for 17 years.

It is only fair and proper that this matter be heard by another Judge. I humbly direct that this matter be transferred to the ELC Court at Nyeri for directions.

I order as follows:-

Matter be transferred to ELC, Nyeri, for appropriate directions.

DELIVERED EX-PARTE IN OPEN COURT AT MERU THIS 23RD DAY OF MAY, 2016 IN THE PRESENCE OF:

CC: Onderi

P . M. NJOROGE

JUDGE