



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**MILIMANI COMMERCIAL COURT**  
**CIVIL SUIT NO. 459 OF 2008**

**CROSSLEY HOLDINGS LIMITED ..... PLAINTIFF**

**Versus**

**NAGENDRASAXENA ..... 1<sup>ST</sup> DEFENDANT**

**JOHN GITAU KIMANI T/A**

**JOGIAUCTIONEERS ..... 2<sup>ND</sup> DEFENDANT**

**MIWANI SUGAR MILLS LTD ..... 3<sup>RD</sup> DEFENDANT**

**MIWANI SUGAR CO. (1989) LTD .**

**(IN RECEIVERSHIP) ..... 4<sup>TH</sup> DEFENDANT**

**DIRECTIONS**

[1] Today had been set as the date for the delivery of a ruling on the 3<sup>rd</sup> and 4<sup>th</sup> Defendants' Motion dated 10<sup>th</sup> September 2014 which is seeking the dismissal of this suit for want of prosecution. But, upon meticulous perusal of the entire application and the file, something kept on disturbing my mind, and saying to me that the facts of this case are familiar. I followed my sixth sense and it came to my knowledge that, while I was in charge of the *Department of Civil Litigation and Asset Recovery* at Kenya Anti-corruption Commission(KACC) now EACC, I came into contact with information arising from an investigation on the land in question herein. My objective view, therefore, is that, in the best interest of all the parties and justice, I should not handle the application herein or any part of this case. Accordingly, I direct that this file be placed before the presiding judge of the division on 14<sup>th</sup> September 2015 for re-allocation to another judge. Submissions have been filed and the judge who will take over the matter will write a ruling straight away. I regret this move may occasion some delay in the disposal of the application, but it is most desirable course to take in the circumstances of the case and for above reason. It is so directed.

**Dated, signed and delivered in court at Nairobi this 21<sup>st</sup> day of July 2015.**

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**F. GIKONYO**

**JUDGE**