

REPUBLIC OF KENYA

IN THE HIGH COURT AT MALINDI

APPELLATE SIDE

CIVIL APPEAL NO. 44 AND 45 OF 2013

(Being an appeal against the ruling and order(s) in Malindi Chief Magistrate's Court Civil Case No. 451 of 2010 and CMCC No. 122 of 2013 before the honourable Mr. N. Shiundu (SPM) delivered on the 24th day of September, 2013)

KENYA ORIENT INSURANCE CO. LTD.....APPELLANT

VERSUS

PAUL MATHENGE GICHUKIRESPONDENT

AND

KENYA ORIENT INSURANCE CO. LTD..... APPELLANT

VERSUS

JAMES MWOLOLO MUNGITHIA also known as

JAMES MWOLOLO MUNYITHYA also known as

JAMES MWOLOLO MUNJITHYA RESPONDENT

DIRECTIONS

While preparing ruling in the above matters, I have noted that the respondents are represented by the firm of Wambua Kilonzo & Co. Advocates. Although the latter firm did file replying affidavits and submissions in both matters, the advocate instructed did not appear in court on 28th November, 2013 for the scheduled mentions.

Arising from proceedings in a previous matter, whose facts are well within the knowledge of Mr. Wambua Kilonzo of the firm of advocates representing the respondents, and for justice to be done and be seen to be done to all the parties, I would disqualify myself from further handling this matter. I regret that I did not notice in good time that the firm of Wambua Kilonzo & Co. Advocates was acting in these matters for the respondents.

I direct that the two appeals be placed before the Resident Judge, Mombasa on 7th April, 2014 for further directions as to disposal.

Delivered and signed at Malindi this 24th day of **March, 2014** in the presence of Mr. Mouko holding brief for Mr. Miller for Appellant, Mr. Omolo for Respondent.

Court clerk – Samwel

C. W. Meoli

JUDGE