



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAKURU**

**CIVIL APPEAL NO. 111 OF 1995**

**ISAAC NDUNGU MUCHEMI.....PLAINTIFF/APPELLANT**

**VERSUS**

**MARULA ESTATE LIMITED.....DEFENDANT/RESPONDENT**

**RULING**

I have reviewed and considered the Applicant's application dated 3rd May 2013. I have also considered the Respondent's Grounds of Opposition dated 20th May 2013 and filed on 21st May, 2013.

I am satisfied that the Applicant's application is both res judicata, and indeed this court is not seized of jurisdiction under Order 22, rule 22 of the Civil Procedure Rules 2010 to adjudicate of the Appellant's purported grievances.

I am satisfied that the orders sought in the Application were adjudicated and conclusively determined on five previous occasions and that this court is now functus officio. There has to be a stop to litigation. The Applicant cannot be allowed to abuse the court process by reopening litigation which commenced in the subordinate court almost nineteen (19) years ago.

I find and hold that the application herein has no merit at all. This is merely a taxation of costs. There is no threat of execution.

For those reasons the Applicant's Notice of Motion dated and filed on 3rd May 2013 is dismissed with costs.

**Dated, signed and delivered at Nakuru this 24th day of May, 2013**

**M. J. ANYARA EMUKULE**

**JUDGE**