



**REPUBLIC OF KENYA**

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

**MILIMANI LAW COURTS**

**ENVIRONMENT AND LAND DIVISION**

**ELC. CASE NO. 826 OF 2013**

**KENOL KOBIL LIMITED .....PLAINTIFF/APPLICANT**

**VERSUS**

**ALFAWAYS LIMITED .....1<sup>ST</sup> DEFENDANT**

**HASHI ENERGY LIMITED.....2<sup>ND</sup> DEFENDANT**

**RULING**

In this matter, two applications are pending before me namely the Plaintiff's application dated 20/8/13 and the 1<sup>st</sup> Defendant's application dated 16/9/13. I am called upon to give directions to the parties on how these applications shall be disposed off.

I have considered the submission made by the parties regarding the issue of how best to handle these two applications and here are my directions:

1. The two applications are so inextricably intertwined that they are best dealt with together. Accordingly, I hereby order that they be disposed together.
2. I direct the parties to exchange and file their written submissions thereto within 14 days from today's date.
3. I decline to order Mr. Antony Thuo Mathi to appear in court for cross examination.
4. This matter shall be mentioned on 7/10/13 to confirm compliance and to take a ruling date.

**SIGNED AND DELIVERED AT NAIROBI**

**ON THE 20<sup>TH</sup> DAY OF SEPTEMBER 2013.**

**MARY M. GITUMBI**

**JUDGE**