

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CIVIL DIVISION

CIVIL CASE NO. 1655 OF 1996

MOUNT KENYA INVESTMENTSPLAINTIFF

VERSUS

1. ALLAN NGETHE

2. MWANGI GATIHO

3. CITY COUNCIL OF NAIROBIDEFENDANT

RULING

1. I have now perused this file. This matter was on 23rd October 2012 pending a preliminary ruling before Khaminwa, J over an issue that arose as the Judge was hearing an application to set aside judgment that was entered on 4th February 2010.
2. Khaminwa, J is no longer available to deliver this ruling. I note that the judgment of 4th February 2010 was entered by Onyancha, J after the learned Judge took evidence. Onyancha, J is still in this division. He is best suited to deal with the application to set aside his own judgment.
3. Let this matter therefore be placed before Onyancha, J for mention once he is through with the election petitions that he has been dealing with. A suitable mention date may be taken at the registry.

DATED AND SIGNED AT NAIROBI THIS 16TH DAY OF SEPTEMBER 2013

H. P. G. WAWERU

JUDGE

DELIVERED AT NAIROBI THIS 20TH DAY OF SEPTEMBER 2013