



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

ENVIRONMENTAL & LAND CASE 507 OF 2009

BISHOP REV. JOSEPH MEMBA1ST PLAINTIFF

BISHOP ELIJAH MULELA2ND PLAINTIFF

BISHOP JOEL KIJIRU.....3RD PLAINTIFF

JEREMIAH NZIOKA NGIEMA.....4TH PLAINTIFF

THOMAS MUTUSE.....5TH PLAINTIFF

ISAAC BETT.....6TH PLAINTIFF

All suing on their own behalf and as registered trustees for an on behalf of

GOOD NEW CHURCH OF AFRICA AND THE GOSPEL FURTHERING

BIBLE CHURCH TRUST (Registered Trustees)..... 7TH PLAINTIFF

VERSUS

DARASA INVESTMENT LTDDEFENDANT/APPLICANT

RULING

1. This Court gave the 1st defendant a chance to address it on the issue on why this Court should not continue to handle this matter. Counsel submitted before me and I have considered the submissions that were made. I do note that when I was a Deputy Registrar I dealt with this matter and other related matters.

Mr. Kamau has pointed out a comment I made in one of the matters. I understand the 1st defendant’s Counsel is not questioning the integrity of this Court but is asking this Court to recuse itself of my previous actions in the related matters and this matter. I have considered what was stated as a Court. I am interested in seeing to it that parties get justice in whichever Court they appear in.

I did give a ruling in this matter. In the said ruling, I considered the submissions, the facts raised and gave a ruling thereafter. The parties have shown interest in proceedings in this matter.

2. It is important that the matter be handled expeditiously bearing in mind that it has been in Court since 2007, I will recuse myself from the matter to enable the parties proceed before another Judge in the division. I do so not because I have been forced to do so but I do so in the interest of justice and for the

benefits of all the parties. I take note of what Mr. Kamau said and I take that he did so in good faith. I therefore order that this matter be mentioned before the presiding Judge of the ELC Division for directions on the hearing of the application pending on suit.

Dated, signed and delivered this **18th** day of **July**, 2012

R. OUGO
JUDGE

In the Presence of:-

..... For the Applicant

..... For the Respondent

Kabiru

Court Clerk