



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

**Civil Suit 232 of 2001**

**STEPHEN WAWERU.....PLAINTIFF**  
**VERSUS**  
**THE COMMITTEE NYANDUNDO PRIMARY SCHOOL....1<sup>ST</sup> DEFENDANT**  
**DIRECTOR OF SETTLEMENT.....2<sup>ND</sup> DEFENDANT**

**RULING**

During the taxation of the plaintiff's bill of costs at the request of counsel the Deputy Registrar directed that the file be placed before me for directions.

When the matter came before me on 26<sup>th</sup> June 2010 Mr. Kimatta for the plaintiff argued that the last sentence in my ruling of 18<sup>th</sup> January 2009 in which I overruled the defendant's preliminary objection and directed that the suit be set down for hearing has caused confusion. According to him, the matter having been heard that direction is erroneous.

Ms Natome for the defendants does not see anything wrong with the direction that the suit be set down for hearing. In the circumstances I do not understand what directions I am supposed to give. If either party thinks there is an error in my ruling of 18<sup>th</sup> January 2009, that party should appropriately move the court.

DATED and DELIVERED this 8<sup>th</sup> day of July, 2010.

**D. K. MARAGA**  
**JUDGE.**