

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CIVIL SUIT NO. 1302 OF 1999

JANET K. MUHALI AND JIMMY M. ALUSA

(Suing as the legal Representative

Of the Estate of Silas Alusa) PLAINTIFF/RESPONDENTS

Versus

**JOSEPH MBUGUA KIBUYWA 1ST
DEFENDANT**

**SALAMA ROAD CONSTRUCTION 2ND
DEFENDANT**

KABURU OKELO AND PARTNERS CONSULTING

**ENGINEERS LTD 3RD
DEFENDANT/APPLICANT**

RULING

From what has been brought to my attention during the hearing of the Notice of Motion date 27th March, 2008, I do largely agree with what Mr. W.A. Mutubwa, counsel for the Respondent, has said as against what Mr. Stephen K. Ngii, counsel for the Applicant, said and do hereby dismiss the Notice of Motion dated 27th March, 2008 with costs to the Respondents.

Dated this 16th day of May, 2008.

J.M. KHAMONI

JUDGE

Present:

Mr. Mutubwa

Mr. Ngii

Muturi Court Clerk