

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MOMBASA
Civil Case 586 of 2001

WANJIKU NGANGA PLAINTIFF

- Versus -

1. ELIZABETH SHIGHADI DAVID

2. MWANAISHA ABDI

3. MUNICIPAL COUNCIL OF MOMBASA DEFENDANT

R U L I N G

The witness has already testified that the subject plot was bushy when she moved in, and that she took time and money to clear the same before commencing construction. By the time she was served with the court order, the structure she was constructing had reached a certain level. It was in a bid to demonstrate what that level was that she sought to produce photographs which she took.

I don't see how the production of those photographs will prejudice the plaintiffs. I therefore direct that the same be allowed in evidence with the caveat that Mr. Tindika for the plaintiff may cross examine the witness as to the authenticity of the photographs, their relationship with the property in question, the date or dates when they were taken, and by who etc. Mr. Tindika will then be entitled to make his submissions thereon if he wishes to discredit the photographs.

It is so ordered.

Dated and delivered at Mombasa this 9th day of May, 2008.

L. NJAGI

JUDGE