



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAKURU

Civil Suit 250 of 2007

NANGA KIHOTO/NAIVASHA LTD1ST PLAINTIFF

PHARIS MBURU NGUGI.....2ND PLAINTIFF

BENJAMIN N. KINUTHIA.....3RD PLAINTIFF

KAMAU KARIUKI.....4TH PLAINTIFF

DANIEL MWANGI KANGETHE.....5TH PLAINTIFF

KURIA GICHERU.....6TH PLAINTIFF

NJOROGE KINYANJUI.....7TH PLAINTIFF

HARUN KIMANI.....8TH PLAINTIFF

VERSUS

GABRIEL KABURU KAGUNYA.....1ST DEFENDANT

DAVID WAWERU NGANGA.....2ND DEFENDANT

JOSEPH KARA.....3RD DEFENDANT

KAHINGA GAKERE.....4TH DEFENDANT

JAMES MWANGI KARANJA.....5TH DEFENDANT

ELIJAH MWENDA.....6TH DEFENDANT

FRANCIS KIGURU MWAURA.....7TH DEFENDANT

RULING & ORDER

I have heard counsel for both the applicant and the Respondent in the Notice of Motion dated 28th July 2008. Not being satisfied, prima facie, why the Court should go against its previous orders I refuse to alter the same. There is no valid reason why the Applicants should continue holding onto the items ordered to be released to the Respondents. They should comply with the order forthwith. Should the applicants find that they have a genuine claim against the Respondents there is nothing to prevent them from moving the court on their own motion. I refuse to grant leave to file any further papers being of the view that the matter is being protracted unnecessarily.

Considering the facts of the case and on the strength of my Ruling of 24th July 2008 and the orders made therein, which have not been satisfactorily challenged, I dismiss the application with costs to the Respondents.

Dated at Nakuru this 6th day of August 2008

M. G. MUGO

JUDGE