

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (MILIMANI COMMERCIAL COURTS)
Civil Case 15 of 2003

GEORGE GIKUBU MBUTHIA.....PLAINTIFF

VERSUS

CITY COUNCIL OF NAIROBI.....DEFENDANT

RULING

Notice of motion dated 20.08.2008 by the Plaintiff.

This motion was heard ex parte because although there is an affidavit of service filed, the Respondent failed to turn up. The prayers sought by the Applicant/Plaintiff are that:

1. The Respondent be ordered to re-open premises known as C.7035, C.1117, C.1217, C.1026 and C.1930 Dandora Phase III, Nairobi.
2. That the Plaintiff give guarantee that it will not evict tenants from the said premises after repair and reinstated new tenants.
3. That the plots C.1217, C.1117, C.1026 and C.1930 be minuted as belonging to the Applicant and consent to issue certificates of titles be given. The application is based on grounds set out and the affidavit of Applicant. The Applicant states that all the premises aforementioned are lawfully his by virtue of assignments made to him with the consent of the Defendant exhibited as "GGM 1-5."
4. The Applicant has also exhibited orders made in his favour in High Court Case No. 1874 of 1988 between him and the Defendant including a final decree in that case.

Further, the Plaintiff has exhibited "Eviction/Repossession Notices" issued by the Defendant in the year 2000. These notices are addressed to the original assignors of the said plots to the Plaintiff exhibited as "GGM 8" "GGM 8e."

There is no opposition to his application and in view of the contents of the Plaintiffs affidavit and annexures thereto, I allow the application and grant all orders as prayed with costs to the Plaintiff.

It is so ordered.

DATED this 21st day of October 2008.

JOYCE N. KHAMINWA

JUDGE