



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (NAIROBI LAW COURTS)

Civil Case 324 of 2006

1. Land and Environmental Law
2. Civil Practice and Procedure
 - a) Multiplicity of suits filed from Land disputes Tribunal case MWI/15/2000.
 - b) Francis Ileri Jothan has filed following suit:
 - i) Hccc324/06 Nairobi High Court

For orders of court to register plaintiff as owner of land. Njugu BG & Co. Advocates

- ii) Milimani Hccc296/05

Francis Ileri Jothan v Llyod Mugechi & Others

Specific Performance

M/s Njue Mwachandi & Co. Advocates

- iii) Resident Magistrate

Award Land Dispute Tribunal No.35/01

(24 September 2001).

- iv) CA 115/01

Judgment of 3 July 2003

Kasanga Muwla be se aside

- v) CA 115/01

Review – Ruth N. Sitati

13.4.05

Dismissed same.

vi) Court of appeal.

Appeal to Nyeri

CA 139/2005 and

CA 11501 to Meru

Direction

3. That the lower court files be stayed pending the determination of the appeal suit before the court of appeal.

4. That the hearing of 14.11.07 be taken out of the list.

5. Copies of ruling to concerned magistrates court, High Court through' Registrar and deputy registrar and Court of appeal.

6. case law – Nil

Section 6 Civil Procedure Act.

7. Advocates:

B.G. Njugi for B.G. Njugi & Co. Advocates for the plaintiff/exparte – present

Abishagi Rufus Advocate for the defendant – absent- No appearance

FRANCIS IRERI JOTHAM.....PLAINTIFF

VERSUS

ABISHAGI RUFUS

LLOYD MUGENDI MUKETHA

MWIMBI LAND DISPTUES TRIBUNAL.....DEFENDANTS

RULING NO.2

1. Further to my ruling of 14th March 2007 where I declined to a grant an injunction as whereas directions on the Originating Summons was given on 17 July 2007 (by Visram J) and whereas the hearing was heard on the Originating Summons by way of affidavit evidence this court ordered that the cases related to this matter be brought up.

2. From perusal of the files before me it has transpired that there are multiplicity of suits filed by Francis Ileri Jothan namely:-

i) Hccc324/06 Nairobi High Court ,

awaiting orders that the plaintiff be registered as owner of the land.

Advocate M/s Njugi BG & Co. advocates

ii) Milimani Hccc296/05

Francis Ileri Jothan v Llyod Mugedi & Others

Specific performance

M/s Njue Mwachadi & Co. Advocates

Hearing date on 14 November 2007.

iii) Resident Magistrate award in Land dispute Tribunal 35/01 entered on 24 September 2001.

iv) Appeal CA 115/01.

Judgment by Kasanga Mulwa of

3. July 2003 that has been sought to be set aside and refused

v) CA 115/01

Review

Ruth N Sitati, J.

13 April 2005

Application refused and duly dismissed.

vi) Court of appeal

CA 139/2005 Nyeri.

CA 115/01 Meru

Consolidated and awaiting hearing

3. I hereby order under section 6 of the Civil Procedure Act that all files and or cases in the subordinate courts be stayed pending the out come of the court of appeal cases. I further direct that this applies to this suit and the Milimani Hccc296/05 but coming for hearing on 14 November 2007.

4. I order that a copy of this ruling be availed to the Registrar of the High Court of Nairobi, Deputy Registrar of the High Court of Nairobi, Deputy Registrar Court of Appeal pending the finalization of the court of appeal hearing.

Dated this 13th day of November 2007 at Nairobi.

M.A. ANG'AWA

JUDGE

B.G. Njugi for B.G. Njugi & Co. Advocates for the plaintiff/exapre – present

Abishagi Rufus Advocate for the defendant – absent

No appearance