



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**

**AT NYERI**

**Civil Case 79 of 1995**

**GITHINJI KAGIRI.....1<sup>ST</sup> PLAINTIFF/RESPONDENT**

**WAMBUI THIONG'O.....2<sup>ND</sup> PLAINTIFF/RESPONDENT**

*Versus*

**THIONGO MURIITHI.....1<sup>ST</sup> DEFENDANT/RESPONDENT**

**PETER NGIRUBIU MURIITHI.....2<sup>ND</sup> DEFENDANT/RESPONDENT**

**RULING**

In this Notice of Motion dated 22<sup>nd</sup> December 2004 and brought under Order XLIV Rule 1, Order L Rules 1 and 12 and all enabling provisions of the law the Applicant prays for orders:-

- “1. THAT this Honourable court be pleased to review its judgment of 18.10.2000 and all consequential orders.**
- 2. THAT there be a stay of proceedings pending the outcome of this application.**
- 3. THAT costs of this application be provided for.”**

Mr. Gathiga Mwangi appears for the Applicant while Mr. Kebuka Wachira appears for the Respondent.

As I look at the grounds, on the face of the said Notice of Motion, in support of the Notice of Motion, I get the impression that the Notice of Motion is not properly brought and ought not to stand. Otherwise I entirely agree with what was said by Mr. Kebuka Wachira.

Accordingly, I do hereby declare the said Notice of Motion incompetent and dismiss it with costs to the Respondents.

***Dated this 14<sup>th</sup> day of November 2005.***

**J. M. KHAMONI**

**JUDGE**