



REPUBLIC OF KENYA  
IN THE HIGH COURT OF KENYA  
AT MOMBASA

CIVIL CASE NO.176 OF 2002

KENYA REINSURANCE CORPORATION LTD.....PLAINTIFF

=V E R S U S=

ANKA VAN GEN HASSEND t/a ANKA  
INVESTMENTS.....DEFENDANT

RULING

Having heard the submissions of both counsel I have come to the conclusion that there are two suits proceeding in courts of competent jurisdiction. This is admitted in paragraph 10 of the Plaintiff herein. The prayers sought to obtain vacant possession of premises are similar to the prayers sought to restrain the Plaintiff in the other court from evicting the Defendant (herein).

In these circumstances, the provisions of Section 6 of Civil Procedure Act are satisfied. The matters in

issue in this suit are similar to matters in issue in the other suit. The section is in mandatory terms and once court's attention has been drawn the requirements of law the court has to comply. There is no room for discretion.

I therefore find that this suit is similar to the suit filed in the lower court i.e. CMCC 3855/2000. That suit being first in time the same will be tried first and this suit is hereby stayed pending the outcome of that earlier suit.

Order accordingly.

Costs in the cause.

Dated at Mombasa this 4th day of March, 2004.

JOYCE KHAMINWA

J U D G E