



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MOMBASA
ADMIRALTY JURISDICTION
ADMIRALTY CAUSE NO. 7 OF 2001

HARUN MAHUNDI and CHARLES R.B. RWENCHUNGURA
As Joint Liquidators of AFRICAN FISHING LIMITED (IN LIQUIDATION)

THE OWNERS OF MFV “DEBBIE” PLAINTIFF

V E R S U S

THE DEMISE CHARTERERS AND ALL

OTHER PERSONS CLAIMING TO BE

INTERESTED IN MFV “DEBBIE” DEFENDANT

R U L I N G

Motor Vessel “DEBBIE” has been docked at Kilindini Harbour since the year 2001 in the month of July under a Warrant of Arrest issued by this court. It is not clear to this court why the proceedings have not come to conclusion. It had been anchored at the G. Section of the Port.

On 17.5.2004 this court on application of K.P.A. issued an Oder of movement of the ship to another part of the Port for reasons advanced by the managers of the Port – Kenya Ports Authority.

This court is now being asked to set aside that Movement Order so that the ship continues to anchor at G. Section.

I have listened to the submissions of both counsel. The reasons advanced by the Applicants is that where it is proposed to move the ship is a dangerous area, full of robbers and thieves and once the ship is anchored there it will not survive acts for robbery, theft and vandalizing. And it would be too costly for the Applicants to keep it secure. The counsel for Applicant revealed that already there is a consent order to sell the ship. It is not clear why there is delay.

On the other hand Kenya Ports Authority is authorized by law (K.P.A. Act, Cap.391) to manage the Port as provided thereunder. A statutory body operates for the benefit of all public and in its performance it has to safeguard the interest of public.

I find no reason to review stay or set aside the order already made by this court (Justice Mwera).

The application is dismissed with costs.

Dated this 30th day of July, 2004.

JOYCE KHAMINWA

J U D G E

Mr. Kiambya – H/B for Tindika

Ms Muthai – present

Read in their presence.

JOYCE KHAMINWA, J.