

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MOMBASA

CIVIL SUIT NO.217 OF 2003(O.S.)

ANANIAS NYAMAI KIRAGU.....PLAINTIFF

=V E R S U S=

JUMWA KALUME KITSAUMBI.....DEFENDANT

R U L I N G

The Applicant has filed an Originating Summons claiming adverse possession.

The suit sought to be consolidated is covered by Plaintiff.

There are several parties in this suit. The Applicant herein is one of 10 Defendants.

I find that to consolidate the two suits will embarrass the trial of the two suits. It is said the other suit is fixed for hearing tomorrow. This Originating Summons is not yet at a stage where hearing can be fixed. I agree with Mr. Sifuna that order for consolidation ought not to be granted.

I uphold the Preliminary Objection and dismiss the application with costs in the cause.

Dated at Mombasa this 8th day of March, 2004.

JOYCE KHAMINWA

J U D G E

Mr. Kiarie

I apply for certified copies.

Court

Let the same be supplied as requested.

JOYCE KHAMINWA, J.

