

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CIVIL CASE NO. 66 OF 1997

ALI SOITARA KORIR PLAINTIFF

VERSUS

**JOSEPHINE NYAMBURA KAGA MACHARIA & 50 OTHERS
DEFENDANTS**

RULING

This case has a long history as the court record shows. It has been handled by many Judges and various orders have been issued.

On 19.7.99, Mitey, J made orders for the eviction of the defendants who are the sub-tenants in Shaurimoyo. The plaintiffs are the head tenants. An urgent application was made to stay the orders of Mitey, J. I heard that application and delivered a Ruling on 20th March, 2000 staying the orders of eviction by Mitey, J. The advocates representing the 2 parties herein subsequently appeared before me several times in respect of the stay of execution orders which I granted on 20.3.2000.

The parties agreed to file submissions and bring all the relevant documents, and orders of the court issued previously in this matter to court, dating back to 1980.

The plaintiff's counsel annexed to his submission documents which gave the history of this dispute, i.e. the background information the various court orders, the tenancy agreements, various letters from Nairobi City Council etc etc. All these documents are annexed to the submissions.

I read through the various documents and court orders and I came to the conclusion that the case had been litigated several times before and appropriate orders made. In these circumstances, I must now move to vacate the order granted on 20th March, 2000 of "stay of execution". The stay of execution order of 20th March, 2000 is hereby vacated.

Dated at Nairobi this 7th day of March, 2002.

**JOYCE ALUOCH
HIGH COURT JUDGE**