



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**MISC APP NO 363 OF 1993**

**1. KINENI FARMERS CO-OPERATIVE SOCIETY LTD**  
**2. GEOFFREY MATOKE.....APPLICANT**  
**VERSUS**  
**NYACHERA MASARE.....RESPONDENT**

**R U L I N G**

By a Notice of Motion dated 23rd February, 2001 and filed on 13th March, 2001, the applicants moved the court to review and or set aside the order of this court made on 5th February 1999.

I have heard both learned counsel on this matter. It would appear that there has been some confusion as to representation by counsel and service of court process may have been compromised.

Further, it has transpired that previous proceedings have addressed the same subject matter and the current position may not be very clear.

Above all the subject matter herein is land whereby parties should be able to exhaust all legal avenues before final orders are made. In view of the foregoing, the order of 5th February, 1999 is hereby set aside. Each party shall bear own costs. Orders accordingly.

**Dated and delivered at Nairobi this 12th day of June, 2002**

**A. MBOGHOLI MSAGHA**  
**JUDGE**

**Mr Mwangi holding for Mr Mariaria for Respondent**