

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MOMBASA

CIVIL CASE NO. 125 OF 2000

PETROSA GENERAL CONTRACTORS PLAINTIFF

Versus

FLAGSHIP CARRIERS LIMITED DEFENDANT

COURT

Respondent was served on 9.7.2002 with the application. This is not disputed. That gave no more than about two days. Already the Respondents had fixed another matter in the High Court at Nairobi HCCC 164/1992 before Hon. Justice Githinji. It is clear to me that the Notice given was clearly inadequate and I do feel with every respect that the Applicant is being unreasonable in opposing this application for adjournment. This is an application that should have been filed sometime back and needed not come under Certificate of Urgency. I do find application for adjournment merited. It is occasioned by the actions of the Appellant. I will grant it. Let the entire application be heard on 15.7.2002 before Honourable Commissioner Omwitsa. Applicant to pay court adjournment cost of today.

J.W. ONYANGO OTIENO

JUDGE

11/7/2002