

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI

HIGH COURT CIVIL CASE NO. 855 OF 2000

GEORGE GIKUBU MBUTHIAPLAINTIFF

- V E R S U S -

NAIROBI CITY COUNCIL.....DEFENDANT

R U L I N G

In this application, the Plaintiff seeks to strike out the Defendant's defence and to have summary judgment entered for him as prayed in the Plaint.

The Applicant successfully sued the Defendant in H.C.C.C. No. 1874 of 1988. He brings this action to enforce the judgment in that suit. Without going into detail, I do not think that the Plaintiff can be allowed to do this. Having obtained judgment on his claim, what remained was for him to proceed with execution in the same action. I do not think that the law allows a party to bring a separate action to execute a decree in another suit. I, therefore, disallow this application with costs.

DATED and DELIVERED at NAIROBI this 9th day of May, 2001.

ALNASHIR VISRAM

JUDGE.