

REPULIC OF KENYA
IN THE HIGH COURT OF KENYA

AT MOMBASA

CIVIL SUIT NO.572 OF 1999

1. HUSSEIN HUSAMUDIN POTHWALLA

2. HUSSEIN POTHWALLA MOTORS.....PLAINTIFFS

V E R S U S

1. THE FIRST AMERICAN BANK OF KENYA LTD

2. THE FIRST AMERICAN FINANCE.....DEFENDANTS

R U L I N G

I agree with Mr. Okongo that the hearing date in this matter was taken by consent of the parties after consultations to confirm that it was convenient. During the submissions made by Mr. Okongo, Mr. Nowrojee was absent but was ably represented by his assistant Mr. Gikandi. Like Mr. Okongo I do not see any reason why the assistant cannot rise to the occasion when such difficulties arise. I would have found the reasons advanced to be insufficient for purposes of adjourning this matter if the court itself did not have a problem.

I am supposed to travel upcountry for Judicial Training of magistrates and I cannot therefore deal with the entire Cause List to-day. For that reason I will adjourn this matter for the last time. Both parties shall appear before me for final submissions on **13.07.01 at 9.00 a.m. to 10.00 a.m.**

Dated this 19th day of June, 2001.

P.N. WAKI
J U D G E