

**REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
CIVIL CASE NO. 1045 OF 1999**

**EAST AFRICAN PACKAGING INDUSTRIES LTD. PLAINTIFF
VERSUS**

**WILSON MWANGI MURAGE
ALEX NJUGUNA KARANJA
JOHN MACHARIA MWANGI
MOFFAT WACHIRA MURAGE
MAGPIES SUPPLIERS
MUYER ENTERPRISES
BARCLAYS BANK OF KENYA
HOUSING FINANCE COMPANY
N.I.C. CENTURY PLAZA
STANDARD CHARTERED BANK
AKIBA BANK – FEDHA TOWERS
EAST AFRICAN BUILDING SOCIETY**

FEDHA TOWERS DEFENDANTS

R U L I N G

I am working under pressure because of part heard cases from Milimani Commercial Division, of which this is one of the cases. I wished this not to extend beyond the first week of November 2001 so that I devote my time to cases in the Family Division with old and weak women and men traveling from far to Nairobi with very little money to use on traveling expenses. I am, therefore, now placed in a position where I cannot please everybody as I am told that if I do not proceed with the hearing of this suit, there are those who will greatly be inconvenienced.

I regret the position but I think that the balance of convenience tilts in this situation, in favour of the old, the weak, the sickly and the poor who come to this court for their respective cases in the Family Division. That being the position, and since I had not even gone through the evidence of the first witness who is also proving difficult to come back to court, I do hereby disqualify myself from further proceedings in this suit. The relevant case file will be returned to the Commercial Division at Milimani Commercial Courts for hearing de novo before any other judge in that Division. The Order for witness summons hereby earlier on made directed at P.W.1 ANTHONY NJOROGE NGUGI vacated.

Dated this 23rd day of October 2001.

J.M. KHAMONI

JUDGE