



Continental Credit Finance Limited (In Liquidation) v Wanjohi & 2 others (Environment & Land Case 339 of 2011) [2024] KEELC 4454 (KLR) (3 June 2024) (Ruling)

Neutral citation: [2024] KEELC 4454 (KLR)

**REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT NAIROBI
ENVIRONMENT & LAND CASE 339 OF 2011**

JA MOGENI, J

JUNE 3, 2024

BETWEEN

CONTINENTAL CREDIT FINANCE LIMITED (IN LIQUIDATION) PLAINTIFF

AND

ISAAC GATHUNGU WANJOHI 1ST DEFENDANT

IGAINYA LIMITED 2ND DEFENDANT

PRINCIPAL REGISTRAR OF TITLES 3RD DEFENDANT

RULING

1. The Plaintiff has sought to produce the documents referred to above which have been produced by a clerk from the Business Office of Registration. The defendant has objected to the production seeking to have the author of the said documents to be the one producing the said documents. In their response the Plaintiff's counsel has referred the court to Section 147 of the Evidence Act which allows a person to be summoned to produce documents without necessarily being a witness.
2. The court has noted that leave was granted to the Plaintiff to produce the supplementary list containing the said documents. The defendant was granted corresponding leave to file any supplementary documents if need be. From the record the defendant seems to have had no other documents to file. The defendant has alleged that they will not have a chance to cross-examine the producer of the supplementary documents if they are not the authors.
3. In line with Section 147 of the Evidence Act, I do not see what prejudice the defendant will suffer if the said documents are produced since they are public documents which are already available for any one to refer to and we need not summon the one who authorized publication unless the issue of authorization is before the court which is not neither is the issue of entry of records in the Business Registration



Register nor the Index Register contested before the court. the clerk who makes the entry can be called to produce the documents. I therefore overrule the objection and allow the production as prayed

HON MOGENI J.

JUDGE

3/06/2024

