



**New Mega Africa Limited v Wekesa (Civil Case E068 of 2022)
[2024] KEHC 4966 (KLR) (9 May 2024) (Ruling)**

Neutral citation: [2024] KEHC 4966 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MOMBASA
CIVIL CASE E068 OF 2022
DKN MAGARE, J
MAY 9, 2024**

BETWEEN

NEW MEGA AFRICA LIMITED PLAINTIFF

AND

ABSA MURUMBA WEKESA APPLICANT

RULING

1. This is the third application the Applicant is making to be party to this proceeding. The matter is partly heard. The plaintiff is being heard when he was stood down. In between he have been threatened with theatrics. Initially the plaintiff pretended to be an officious by stander. Once I declined to join the witness as an interested party he sought to be a defendant. I did not find anything he was defending. I dismissed the application.
2. The plaintiff has now shown their colour by applying to have him as a witness. Noting in the witness statement add any value to the case.
3. The party closed discoveries. There is noting useful the witness who they admitted to be a hatchet man can adduce. I have perused the draft witness statement and do not find the same as a necessary addition. Consequently, I decline to allow the application. The same is consequently dismissed with cost to the defendant. The matter shall proceed for hearing and shall terminate by way of dismissal if the plaintiff does not conclude the same by 25/2/2025 as earlier ordered in my ruling dated 26/2/2024. The matter already has a hearing date of 15/5/2024. The matter shall proceed on that date without fail.

DATED, SIGNED AND DELIVERED VIRTUALLY AT MOMBASA ON THIS 9TH DAY OF MAY, 2024.

**KIZITO MAGARE
JUDGE**



In the presence of:-

M/s Iseme, Kamau & Maema Advocates for the Defendant/Respondent

M/s Kirui Kamwibua & Company Advocates

Court Assistant - Brian

