



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

COMMERCIAL AND ADMIRALTY DIVISION

CIVIL SUIT NO. 430 OF 2012

GALOT LIMITED.....1ST PLAINTIFF

MANCHESTER OUTFITTERS LIMITED.....2ND PLAINTIFF

GALOT INDUSTRIES LIMITED.....3RD PLAINTIFF

KING WOOLEN MILLS LIMITED.....4TH PLAINTIFF

GALOT INTERNATIONAL LIMITED.....5TH PLAINTIFF

VERSUS

PRAVIN GALOT & 4 OTHERS.....1ST DEFENDANT

RAJESH GALOT.....2ND DEFENDANT

KAMAU ERNEST KAKA.....3RD DEFENDANT

RULING

1. Who, in the world, will advise the family, commonly referred to as Galot, to sit down and agreed, have a consensus on how their family businesses will be run for the benefit of the shareholders. Those family businesses are, **Manchester Outfitters Limited, Galot Industries Limited, King Wollen Mills Limited Galot International Limited** and perhaps others I do not know. My outcry, asking who will help these parties is made in the light of the fact they have brought numerous court actions against each other in various courts which include criminal courts. The learned advocates, from my point of view, formed when I entertained this matter, are not helping but rather, it seems, they are fuelling the disputes. There is so much cut throat competition between the learned counsel that I have been addressed, at the hearing of this matter by counsels who claim to represent the same party but in reality they hold a contrasting view point of how this matter should be prosecuted. The animosity between the parties and the advocates is so palpable that one of the parties complained to the Judicial Service Commission (JSC) that I was biased and not fit to hear this matter, as a Judge. This was done to intimidate me from dealing with this matter. It is indeed disheartening.

2. I have gone through the various documents filed in this matter and I have formed the opinion that indeed this matter was stayed by a three Judge Bench, of Judges of the High Court, when the learned Judges were hearing HCCC 55 of 2012. HCCC 55 of 2012 involves the same parties as in this case.

3. In HCCC 55 of 2012 Justice Musinga (as he then was) on 24th February 2012 recorded a consent order, which consent was signed by the parties personally, which consent was in following terms:

“2.The issue of directorship and shareholding of Manchester Outfitters Ltd be heard before 3 Judges to be appointed by the Chief Justice. The determination thereof to be applied in all the other cases.”

4. The Chief Justice appointed Justices F. Ochieng, E Ogolla and Lady Justice Jackline Kamau to hear HCCC 55 of 2012. On 3rd October 2014 the three learned judges made the following order:

“1. The proceedings in HCCC No 430 of 2012 referred to are hereby stayed pending the finalization of this matter.”

5. That order, it is clear, stayed this very suit until HCCC No. 55 of 2012 (to be heard by three judges) is finalized/determined. HCCC No 55 of 2012 has not been heard. That file is presently before the Chief Justice for his Lordship to appoint the three judges to hear it. That is because the previous panel of Judges, all, disqualified themselves from hearing this matter.

6. It would follow, in view of the order made by the three judges in HCCC No 55 of 2012 this court's 'hands' are tied. This court cannot entertain any application until the stay order which was made by the three Judge Bench on 3rd October 2014 is vacated/set aside. That has not happened and as a consequence this court cannot Rule on the applications of 21st June and 16th December 2019, that were argued on various dates. Rulings on those applications and many others that are pending in this matter, shall not proceed until that stay order is vacated.

7. That is the order of this court.

DATED, SIGNED and DELIVERED at NAIROBI this 4th day of MAY, 2020.

MARY KASANGO

JUDGE

ORDER

In view of the measures restricting court operations due to the **COVID-19 pandemic** and in light of the Gazette Notice No 3137 of 17th April 2020 and further parties having been notified of the virtual delivery of this decision, this decision is hereby virtually delivered this **4th** day of **May, 2020**.

MARY KASANGO

JUDGE