

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

COMMERCIAL AND ADMIRALTY DIVISION

CIVIL SUIT NO. 151 OF 2008

EUNICE WANJIRU GATHITHI the legal representative of the estate of the late

FREDRICK GATHITHI KABUE.....**PLAINTIFF**

VERSUS

CANNON ASSURANCE KENYA LIMITED.....**DEFENDANT**

RULING

1. The Notice of Motion dated 19th June 2020 was argued before me on 5th August 2020. At the time of hearing that application the original court file of this matter was not availed to me. Upto the time when I sat to consider my Ruling that court file was not availed. It is clear that this matter that was filed in the year 2008 has copious proceeding and court attendances. The application before me requires the court to reconsider the past proceedings in this matter. Since I am on transfer to another court and because I cannot consider my Ruling in the absence of the original file I direct as follows:

a. This file shall be placed before the incoming judge on a date to be fixed.

b. The incoming judge and/or the parties may decide whether to hear the application dated 19th June 2020 de novo or not.

DATED, SIGNED and DELIVERED at **NAIROBI** this 13th day of **OCTOBER** 2020.

MARY KASANGO

JUDGE

Before Justice Mary Kasango

C/A Sophie

For the Plaintiff:

For the Defendant:

ORDER

This decision is hereby virtually delivered this 13th day of **October**, 2020.

MARY KASANGO

JUDGE