



REPUBLIC OF KENYA

IN THE HIGH COURT

AT NAIROBI

CIVIL APPEAL NO. 157 OF 2017

(CORAM: F. GIKONYO J.)

H.H. GICHOHI.....APPELLANT

VERSUS

PETER NDAA.....RESPONDENT

**(Appeal from the decision of Hon E.Wanjala (PM) in Milimani CMCCC No. 6359 of 2014 delivered on 23.3.2017)**

**RULING**

1. Upon thoughtful and careful perusal of the facts of this case, I reckon that they relate to matters of Receivership of Grand Regency Hotel.

2. The disputants herein were appointed by dint of the consent Orders dated 31<sup>st</sup> May 2004 recorded in the case of **High Court Misc Civil Suit No. 111 of 2003 (OS) Kenya anti-corruption Commission vrs Kamlesh Pattni & 16 Others (See Page 11 record of Appeal)**. They were then given the powers to amongst others to: -

**“(d) Jointly appoint advocates, accountants or other legal or other advisors to act on their joint behalf in this jurisdiction or any other jurisdiction relevant to the appointment of the joint receivers/managers of the Grant Regency Hotel and the affairs of the hotel.....”**

**(f) Jointly take, defend, prosecute or become parties howsoever to any proceedings, suits and actions relevant to the affairs of the grand Regency Hotel in any jurisdiction where such proceedings or actions may be current to or proceedings in the name of Gitari. T. Njeru as the former receiver/manager of the Grand Regency Hotel.....”**

3. The case of **Kenya anti-corruption Commission vs. Kamlesh Pattni (ibid)** has become the basis of arguments in these appeal. It is this realization that compels the court to make orders which will be apparent later.

4. The court was working at Kenya Anticorruption Commission and its successor Ethics and Anti-Corruption Commission as Principal Attorney in charge of the Department of Civil Litigation and Asset Recovery. The file under reference amongst others were under the said department. Although the court did not handle the case, information on the cases was available to the department which he headed. As such, the court finds it fit not to handle the merits of the appeal. For, those reason, I direct the file to be transmitted to the Head of Civil Division, Milimani Court for re-allocation to another judge. It is so ordered.

**Dated and signed at Meru this 20<sup>th</sup> day of November 2019**

**F. GIKONYO**

**JUDGE**

**Dated, signed and delivered in open court at Nairobi this 4<sup>th</sup> day of December, 2019**

**L. NJUGUNA**

**JUDGE**