



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
FAMILY DIVISION
CIVIL CASES NOS. 3 AND 17 OF 2001

NANCY WANJERI.....PETITIONER

VERSUS

MICHAEL MUNGAI.....DEFENDANT

AND

HOUSING FINANCE COMPANY OF KENYA LIMITED.....1ST RESPONDENT

KENYA BUILDING SOCIETY LIMITED.....2ND RESPONDENT

TAIFA AUCTIONEERS.....3RD RESPONDENT

CHRISTOPHER AFISA.....4TH RESPONDENT

KENYA COMMERCIAL BANK LTD & OTHERS.....INTERESTED PARTIES

OTHERS.....ACCESSORIES TO THE CRIMES

RULING

1. The application for determination is the Motion dated 5th July 2016. It is brought at the instance of Michael Mungai, the defendant. It seeks in the main that the respondents, jointly with the Attorney-General, the Director of Public Prosecutions, the Inspector General of Police, the Director of Criminal Investigations, the Registrar of the High Court, the Chief Land Registrar and other persons not named, do produce to the court their statements with the thirty (30) documents that are listed in the ‘Notice to sue the Ag dated 27th October 2014 and any other documents relevant to Nairobi Block 111/530.
2. There are supplementary prayers directed at the officers commanding the Kayole Police Station and Division, the Chief of Komarock Location, and the Deputy Registrar. The orders directed at the security officers are to command them to remove the respondents and any one claiming through them from the suit land. The Deputy Registrar is to be ordered to confirm in writing that she had assessed the defendant’s bill of costs and that the defendant had applied for a certificate of stated costs.
3. I have read through the grounds set out on the face of the application, as well as the affidavit sworn in support, together with the documents attached to it as annexures. In my view, none of them lay a basis for grant of the orders that are sought against parties – such as the Attorney-General, the Director of

Public Prosecutions, the Inspector General of Police, the Director of Criminal Investigations, the Registrar of the High Court and the Chief Land Registrar – who have not even been made parties to the suit.

4. Even if I were to find that the application was properly before me, I would still find it difficult to grant the orders sought for the principal prayer is vague, for it is not clear about the statements that the applicant would like produced nor the thirty (30) documents mentioned therein. I have gone through the annexures and noted that the notice to the Attorney-General dated 27th October 2014 has not even been exhibited in the affidavit.

5. I am not satisfied that the orders sought are available for granting and I do hereby dismiss the application dated 5th July 2016 with no orders as to costs.

6. I have had to deal with several applications on the matter. For personal reasons I do not wish to continue handling this matter. I hereby recuse myself from it.

DATED, SIGNED and DELIVERED at NAIROBI this 20TH DAY OF JANUARY, 2017.

W. MUSYOKA

JUDGE