



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MOMBASA
CIVIL SUIT NO.171 OF 2009
KENYA ANTI-CORRUPTION COMMISSION..... PLAINTIFF/APPLICANT
-VS-
1. WINCE INVESTMENTS LTD.....1ST DEFENDANT/RESPONDENT
2. SAMMY SILAS KOMEN MWAITA.....2ND DEFENDAT/RESPONDENT

RULING

This is the application dated 17th March 2007 brought under Order 25 Rules 5 (1) (2) and Order 51 Rule (1) of the Civil Procedure Rules. It seeks orders that:

- 1. The Honourable Court do deem fit to order that the suit therein has been compromised and/or overtaken by events consequent to the revocation of title to Parcel Number Mainland North 1/2401 vide Gazette Notice Number 15570 of 26th November 2010.**
- 2. Subject to paragraph (1) herein above that judgment be entered against the Defendants/Respondents in terms of the plaint.**
- 3. Each party to the suit herein to bear the costs of the application and the entire suit.**

It is based on the ground that during the pendency of the suit the title to Mainland North 1/2401 in Mombasa County was revoked vide gazette Notice Number 15570 published in the special issue of 26th November 2010.

The application is supported by an affidavit sworn by Koskey Robert Kimutai Bii advocated for the plaintiff.

The advocate has explained the delay in filing this application and I find the explanation reasonable. They have also annexed the authority.

KENYA ANTI-CORRUPTION COMMISSION

VS

SUCCO ENTERPRISED AND 2 OTHERS

MOMBASA ELC CASE NO.272 OF 2007.

I have considered the application and find the same to be merited. Accordingly I order that the suit is hereby compromised by the Revocation Notice in the Kenya Gazette Number 15570 of 26th November 2010 and there being no challenge of the same as is required by law the application dated 17th March 2010 is allowed as prayed. Each party shall bear their own cost.

L. KOMINGOI

JUDGE

Ruling dated and delivered in open court on the 31st day of March 2017 in the absence of the parties duly informed.

L. KOMINGOI

JUDGE