

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KAKAMEGA

CIVIL CASE NO. 63 OF 2011

APOLLO KATAMU ISIYE PLAINTIFF

VERSUS

**1. NATHAN MUSEVE KHARINDA)
2. ROSA A. ELIATI) DEFENDANTS**

R U L I N G

I have been requested by Mr. Osango advocate to consolidate Kakamega High Court Civil Case No. 63 of 2011 (this file) and Land & Environment case No. 87 of 2013.

In my view, the two files cannot be consolidated. One (this one) was commenced by way of plaint in 2011, while the later one Land & Environment case No. 87 of 2013 was commenced by way of Originating Summons. In addition, a party who is in High Court civil case No. 63 of 2011, that is Nathan Museve Kharinda, is not a party in Land & Environment No. 87 of 2013. Consolidating the two files, in my view, will not serve the best interests of justice.

I decline to consolidate the two files.

Dated this 15th day of May, 2014

George Dulu

J U D G E