

## Judge strikes out Museum Hill billboards case

The High Court has struck a dispute case pitting two advertising companies over the erection of billboards and wall wraps at Museum Hill roundabout.

Justice David Majanja accused Alliance Media (Kenya) of filing a multiplicity of suits over the same matter. The judge said that the dispute between Alliance Media and Magnate Ventures had been litigated in 2010 and the case dismissed. And after losing the case, the same company unsuccessfully filed a second case before a magistrate court.

Alliance Media moved to the High Court this year and got temporary orders stopping its rival from erecting billboards and wraps at the roundabout until the case has been heard and determined. Justice Majanja said the case has already been decided by the magistrate court, but Alliance Media had not challenged the decision. He said the move is an abuse of the court process and "the court must put a stop to such conduct by striking out the suit".

Alliance Media is challenging the Roads Ministry's decision to allow its rival permission to erect billboards at the roundabout in 2010. The firm said the rival's billboards are blocking theirs which had been erected in an adjacent plot. The company argued that if not stopped, it was set to lose Sh36 million annually, adding that some of its customers had threatened to cancel contracts. The company through Odhiambo Adala argued that Magnate Ventures had breached the rights granted the ministry by blocking or disadvantaging other property owners in the area.

However, Alliance through lawyer Nelson Havi argued for the dismissal of the case saying the matter was res judicata (has already been decided). "In short, the subject matter of this suit has been litigated between the same parties or by parties litigating them and it meets the test set out in section 7 of the Civil Procedure Act. I therefore find and hold that the present suit is res-judicata," said Majanja.

Source: [allAfrica](#)