



**Ouma & others v Kenya Airways Corporation & others (Constitutional Petition E035 of 2021)
[2023] KEHC 384 (KLR) (Constitutional and Human Rights) (31 January 2023) (Order)**

Neutral citation: [2023] KEHC 384 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
CONSTITUTIONAL AND HUMAN RIGHTS
CONSTITUTIONAL PETITION E035 OF 2021**

**AC MRIMA, J
JANUARY 31, 2023**

BETWEEN

TOBIAS ONGANY OUMA & OTHERS PETITIONER

AND

KENYA AIRWAYS CORPORATION & OTHERS RESPONDENT

ORDER

1. This matter is pending a consolidated ruling on two applications. One of them is the Notice of Motion dated March 9, 2021 by the 1st respondent seeking to strike out the Petition and the other is a Notice of Motion dated February 18, 2021 for interim conservatory reliefs filed by the petitioners.
2. I have carefully considered the applications alongside the respective parties' submissions. Given the nature of the applications especially the one seeking to strike out the Petition on the basis of the doctrine of res judicata and the issues raised in the Petition, it is imperative that the original Court file in High Court of Kenya at Nairobi Civil Case No. 4334 of 1992 be availed for perusal by the Court.
3. Since I was transferred from the Division, I hereby recuse myself from this matter and further proceedings herein shall be undertaken on the directions of the Presiding Judge of the Division.
4. As such, the following orders hereby issue: -
 - a. The Hon. Deputy Registrar shall avail the original court file in High Court of Kenya at Nairobi Civil Case No. 4334 of 1992 for perusal.
 - b. This matter shall be placed before the Presiding Judge for further proceedings.

Orders accordingly.

DELIVERED, DATED and SIGNED at KITALE this 31st day of January, 2023.



A. C. MRIMA

JUDGE

