



REPUBLIC OF KENYA



**Okoti v Samboja; Kenyatta University & another (Interested Parties)
(Constitutional Petition E078 of 2021) [2023] KEHC 1085 (KLR)
(Constitutional and Human Rights) (23 February 2023) (Order)**

Neutral citation: [2023] KEHC 1085 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
CONSTITUTIONAL AND HUMAN RIGHTS
CONSTITUTIONAL PETITION E078 OF 2021**

AC MRIMA, J

FEBRUARY 23, 2023

BETWEEN

OKIYA OMTATAH OKOITI PETITIONER

AND

GRANTON GRAHAM SAMBOJA RESPONDENT

AND

KENYATTA UNIVERSITY INTERESTED PARTY

ETHICS & ANTI-CORRUPTION COMMISSION INTERESTED PARTY

ORDER

1. This matter is pending a ruling on a Notice of Preliminary Objection filed by the respondent. The objection challenged the jurisdiction of this Court on *inter alia* that the instant Petition is *res judicata* Nairobi High Court Constitutional Petition No 382 of 2017 *Ethics and Anti-Corruption Commission v Granton Graham Samboja & others*.
2. This Court made an order that the original Court file in Petition No. 382 of 2017 be availed for perusal since the said matter had been filed way before the advent of the dreaded Covid-19 pandemic hence the Court did not have an electronic record of the same.
3. By the time I was transferred from the division, the original file in Petition No. 382 of 2017 had not been availed as directed. It is, therefore, not possible to render myself on the objection without the benefit of perusing the said file.
4. As a result, the following orders hereby issue: -



(a) The hon. deputy registrar shall avail the original Court file in High Court of Kenya at Nairobi Constitutional Petition No. 382 of 2017 *Ethics and Anti-Corruption Commission v Granton Graham Samboja & others*.

(b) This matter shall be placed before the presiding judge for further proceedings.

Orders accordingly.

DELIVERED, DATED AND SIGNED AT KITALE THIS 23RD DAY OF FEBRUARY, 2023.

A. C. MRIMA

JUDGE

Order virtually delivered in the presence of:

Mr. Munyine for Respondent**

Miss Ekusa for Omtata**

Regina - Court Clerk**

