



**Ndunda v Qatar Airways Q.C.S.C (Constitutional Petition E417 of 2020)  
[2023] KEHC 2682 (KLR) (Constitutional and Human Rights) (31 March 2023) (Order)**

Neutral citation: [2023] KEHC 2682 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
CONSTITUTIONAL AND HUMAN RIGHTS  
CONSTITUTIONAL PETITION E417 OF 2020**

**AC MRIMA, J**

**MARCH 31, 2023**

**BETWEEN**

**JOAN MUMBUA MULI NDUNDA ..... PETITIONER**

**AND**

**QATAR AIRWAYS Q.C.S.C ..... RESPONDENT**

**ORDER**

1. This matter is scheduled for a ruling on a Notice of Preliminary Objection dated February 11, 2021. It was filed by the Respondent.
2. The objection challenges the jurisdiction of this Court on inter alia the principle of extra-territorial application of the Kenyan Constitution. The objection is hinged on a contract entered into between the parties wherein it is alleged the choice of law and jurisdiction were exclusively agreed.
3. I have gone through the electronic file in the Court Tracking System (CTS) and found that the contract in issue is one of the documents in the Affidavit in support of the Petition. The Affidavit seems to have been uploaded, but the annexures thereto cannot open. Further, the annexures are not part of the instant Affidavit placed in the physical file.
4. Having sought the aid of the experts to have the uploaded annexures downloaded or at least to be opened, in vain, it is now impossible for this Court to determine the objection without a look at the contract document.
5. As a result, the following orders hereby issue: -
  - a. The Petitioner shall forward a complete copy of the Affidavit in support of the Petition together with the annexures thereto to the Hon. Deputy Registrar. The Petitioner shall, as well, upload another set of the annexures unto the Court Tracking System (CTS).



b. This matter shall be placed before the Presiding Judge for further proceedings.

Orders accordingly.

**DELIVERED, DATED and SIGNED at KITALE this 31<sup>st</sup> day of March, 2023.**

**A. C. MRIMA**

**JUDGE**

**Order delivered virtually in presence of;**

**N/A for parties**

**Court assistant - Chemutai**

