



Mirongo Enterprises Limited & 2 others v National Police Service & 3 others; Success Energy Limited (Interested Party) (Petition E270 of 2020) [2023] KEHC 2737 (KLR) (Constitutional and Human Rights) (30 March 2023) (Court Observations)

Neutral citation: [2023] KEHC 2737 (KLR)

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

PETITION E270 OF 2020

HI ONG'UDI, J

MARCH 30, 2023

BETWEEN

**MIRONGO ENTERPRISES LIMITED 1ST PETITIONER
GEOFREY CHEGE KIRUNDI 2ND PETITIONER
LUCY WAMAITHA CHEGE 3RD PETITIONER**

AND

**NATIONAL POLICE SERVICE 1ST RESPONDENT
DIRECTORATE OF CRIMINAL INVESTIGATIONS 2ND RESPONDENT
DIRECTOR OF PUBLIC PROSECUTIONS 3RD RESPONDENT
OFFICE OF THE ATTORNEY GENERAL 4TH RESPONDENT**

AND

SUCCESS ENERGY LIMITED INTERESTED PARTY

COURT OBSERVATIONS

1. Proceedings have been typed and I have gone through them. The record shows that parties filed submission to the petition.
2. Submissions were highlighted before Makau J on October 18, 2021. On the same date counsel for the petitioners requested that the matter be heard by way of *viva voce* evidence.



3. Makau J granted request urging there was an issue with the title. He directed the petitioners to file their statement attaching relevant documents, within 14 days. He even set a hearing date for February 22, 2022 at 11.00a.m.
4. On February 22, 2022 the matter did not proceed. Makau J marinated his orders of October 18, 2021 on *viva voce* hearing. He fixed the matter for hearing on May 18, 2022 before Mrima J. He further ordered for summons to issue to Karen branch Manager, Equity Bank Ltd to produce a certificate of title in respect of land comprising LR No 9741/20 at the hearing.
5. Parties were to file witness statements. I have not seen any witness statements in the court file or portal.
6. I also note that there are conservatory orders which were issued on October 12, 2020. This explains why the matter has been dragging.
7. There is need to fast track this case for justice to be seen to be done. For that reason I issue the following directions.
 - i. Any party wishing to file witness statements must do so and serve within 14 days.
 - ii. This court's diary is packed. The matter is therefore re-allocated to court No 3 for hearing and determination.
 - iii. Viva voce hearing on May 4, 2023 – in open court. Parties must come ready to proceed together with their witnesses.
 - iv. Summons to issue to Karen Branch Manager Equity Bank Ltd to produce a certificate of title in respect of Land Comprising LR No 9741/20 at the hearing on May 3, 2023.
 - v. Conservatory orders remain in force.
8. Orders accordingly.

DELIVERED VIRTUALLY, DATED AND SIGNED THIS 30TH DAY OF MARCH, 2023 IN OPEN COURT AT MILIMANI, NAIROBI.

H. I. ONG'UDI

JUDGE OF THE HIGH COURT

