



**K'Opere t/a TO K'Opere & Co Advocates v Disciplinary Committee of the LSK & another
(Civil Appeal 461 of 2011) [2023] KEHC 21874 (KLR) (Civ) (15 August 2023) (Ruling)**

Neutral citation: [2023] KEHC 21874 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

CIVIL

CIVIL APPEAL 461 OF 2011

AN ONGERI, J

AUGUST 15, 2023

BETWEEN

TOM K'OPERE T/A TO K'OPERE & CO ADVOCATES APPELLANT

AND

THE DISCIPLINARY COMMITTEE OF THE LSK 1ST RESPONDENT

SISTER MARY DOMINIC SAVIO AKOTH 2ND RESPONDENT

RULING

1. Upon perusing this file, I find that the appeal herein is against the decision of the 1st respondent, the Disciplinary Committee Of Law Society Of Kenya which found the appellant guilty of misconduct.
2. The said decision was made pursuant to a complaint by the 2nd respondent Sister Dominic Savio Akoth against the appellant in respect of property known as Title No. West Kasipul/Karabach/599 situated at Rachuonyo District (referred to as the suit property) which the 2nd respondent alleged that she bought in an auction from National Bank of Kenya (NBK).
3. The appellant was directed by the court to deposit the title deed of the suit property in this court on 19/11/2011.
4. The appellant said he filed interpleader proceedings in this case and the said interpleader proceedings were transferred to Kisumu.
5. The Appellant was seeking a determination on the ownership of the suit property and also seeking directions on the issue of his legal fees in the said interpleader proceedings.
6. This appeal was held in abeyance pending the determination of the interpleader proceedings at Kisumu ELC Division.



7. The hearing at Kisumu was finally determined in a judgment delivered on 6/5/2022 but there is an appeal to the Court of Appeal at Kisumu from the said.
8. The family of the holder of the title deed of the suit property have since been enjoined as Interested Parties in this appeal and also the NBK which sold the suit property in an auction.
9. Upon perusal of this file, I find that the appeal herein has nothing to do with the determination of the ownership of the suit property.
10. The appeal is purely on the conduct of the appellant who released the title documents two one of the two parties having a dispute over the suit property.
11. I find that this court cannot order release of the title documents until the appeal filed in the court of appeal is heard and determined.
12. Since it is not possible to determine the length of time the appeal will last, I direct that the said title documents be deposited with the registrar of the Court of Appeal pending the determination of the appeal in Kisumu Court of Appeal being CA case No E093 of 2022.
13. I also direct the parties in the appeal herein to file written submissions in the appeal within 21 days each starting with the appellant.
14. The case will be mentioned on October 17, 2023 for a judgment date.

**DATED, SIGNED AND DELIVERED ONLINE VIA MICROSOFT TEAMS AT NAIROBI THIS
15TH DAY OF AUGUST, 2023.**

.....

A. N. ONGERI

JUDGE

In the presence of:

..... for the Appellant

..... for the 1st Respondent

..... for the 2nd Respondent

