



**Konnexion Systems Limited & another v Independent Electoral and  
Boundaries Commission (IEBC) (Commercial Case 163 of 2014)  
[2022] KEHC 16290 (KLR) (Commercial and Tax) (23 November 2022) (Directions)**

Neutral citation: [2022] KEHC 16290 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI COMMERCIAL COURTS)  
COMMERCIAL AND TAX  
COMMERCIAL CASE 163 OF 2014  
DO CHEPKWONY, J  
NOVEMBER 23, 2022**

**BETWEEN**

**KONNEXION SYSTEMS LIMITED ..... 1<sup>ST</sup> PLAINTIFF**

**ROBERT MATUMBI MWORIA ..... 2<sup>ND</sup> PLAINTIFF**

**AND**

**INDEPENDENT ELECTORAL AND BOUNDARIES COMMISSION  
(IEBC) ..... DEFENDANT**

**DIRECTIONS**

1. There are two applications pending determinations in this matter. One is dated September 22, 2022 and the other one is dated June 14, 2022 and directions are to issue on how the two applications should be canvassed.
2. Mr Kihara, counsel for the plaintiff urged the court to direct that the first application to be filed should be heard first, whereas the later should wait. On the other hand, Mr Lubelellah and M/S Jepkorir, counsel for the defendant and interested party respectively, urge the court to deal with the later application dated September 22, 2022 first since it cuts through the issues of this court's jurisdiction.
3. I have read through the two applications and I have not seen a jurisdictional issue addressed in the application dated September 22, 2022 as purported by counsel as the application seeks to enjoin the interested party to the suit and for some mandatory injunction to be issued against the plaintiff. In my respectful view, these are not issues touching on the jurisdiction of the court so as to make it impossible for the two applications to be canvassed in contemporaneity. The application dated June 14, 2022 seeks to set aside some orders issued on May 15, 2019. I am therefore persuaded that the issues in the two applications can be canvassed jointly without prejudicing other party to this suit.



4. In the upshot, for completeness and avoidance of piecemeal litigation, the following directions do issue:-
- a. That the two applications be canvassed contemporaneously by way of written submissions.
  - b. Each party is granted leave to file respective response or further response if the same has not been filed, within seven (7) days from date hereof.
  - c. Parties are further granted fourteen (14) days each to file written submissions upon receipt of respective responses.
  - d. Mention on February 1, 2023 to confirm compliance and for highlighting.

It is so ordered.

**DIRECTIONS DELIVERED VIRTUALLY, DATED AND SIGNED IN NAIROBI THIS 23<sup>RD</sup> DAY OF NOVEMBER, 2022.**

**DO CHEPKWONY**

**JUDGE**

Mr Kihara appearing with M/S Wangare counsel for plaintiff.

Mr Wendoh holding brief for Mr Lubulellah counsel for respondent.

Mr Mutunga counsel for Konnexion Systems Ltd.

Court Assistant - Sakina.

