



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**JUDICIAL REVIEW APPLICATION NO. E1133 OF 2020**

**IN THE MATTER OF AN APPLICATION FOR LEAVE**

**FOR JUDICIAL REVIEW ORDERS OF MANDAMUS**

**BETWEEN**

**REPUBLIC.....APPLICANT**

**VERSUS**

**KENYA MEDICAL PRACTITIONERS**

**AND DENTIST BOARD.....1<sup>ST</sup> RESPONDENT**

**KISUMU SPECIALISTS HOSPITAL.....2<sup>ND</sup> RESPONDENT**

**ATTORNEY GENERAL.....3<sup>RD</sup> RESPONDENT**

**EX PARTE APPLICANT:**

**MARTIN OTIENO NGAYO**

**RULING**

1. On 17<sup>th</sup> November 2020, this Court granted the *ex parte* Applicant leave to commence proceedings judicial review proceedings against the Respondents for an order of mandamus, and directed the *ex parte* Applicant to file and serve the substantive Notice of Motion within twenty-one (21) days.
2. Upon perusal of the court record, I note that there has been no compliance by the *ex parte* Applicant. The 2<sup>nd</sup> Respondent has on its part filed a replying affidavit to the application for leave, which had already been decided *ex parte* by the Court.
3. In the circumstances, as there is no substantive cause pending before this Court for hearing, I hereby strike out this suit with no order as to costs.
4. The Deputy Registrar of the Judicial Review Division shall send a copy of this ruling to the *ex parte* Applicant and Respondents by electronic mail by close of business on Thursday, 28<sup>th</sup> January 2021.
5. Orders accordingly.

**DATED AND SIGNED AT NAIROBI THIS 26<sup>th</sup> DAY OF JANUARY 2021**

**P. NYAMWEYA**

**JUDGE**