

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

JUDICIAL REVIEW MISCELLANOUS APPLICATION NO. E057 OF 2020

IN THE MATTER OF AN APPLICATION FOR LEAVE FOR JUDICIAL REVIEW

ORDERS OF PROHIBITION AND CERTIORARI

BETWEEN

TAHERALI HASSANALI.....1ST APPLICANT

ZOEB EZZI.....2ND APPLICANT

VERSUS

THE DIRECTOR OF PUBLIC PROSECUTION.....1ST RESPONDENT

CHIEF MAGISTRATE'S COURT,

KIBERA LAW COURTS.....2ND RESPONDENT

RULING NO 2

1. This Court (Mativo J.), in a ruling delivered on 24th August 2020, directed the Applicant herein to join the complainants in the criminal case commenced against them as interested parties, and to serve all the parties with the Amended application within seven(7) days. On 7th October 2020, when the matter came up for mention, the learned Judge noted that the Applicants had not complied, and granted them twenty-one (21) days to comply, and in default, the suit would stand dismissed.

2. I have perused the Court record, and there is no record of any compliance by the Applicants. In effect, the outcome of the non-compliance is that there is no pending matter in this suit for determination by the Court.

3. In the premises I direct and order as follows:

I. This suit is dismissed for non-prosecution and this file is hereby marked as closed.

II. The Deputy Registrar of the Judicial Review Division shall send a copy of this ruling to the Applicants by electronic mail by close of business on Thursday, 21st January 2021.

4. Orders accordingly.

DATED AND SIGNED AT NAIROBI THIS 20TH DAY OF JANUARY 2021

P. NYAMWEYA

JUDGE