



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

**CIVIL MISC. APPL. NO. 382 OF 2016**

**JOHN KIMANI CHEGE.....APPLICANT**

**VERSUS**

**WILLIAM GATEI MUIRURI.....RESPONDENT**

**RULING ON DIRECTIONS**

1. John Kimani Chege, the applicant herein took out the motion dated 30<sup>th</sup> January 2019 whereof he sought for the following orders:
  - a. **THAT this application be certified as urgent and be heard exparte in the first instance for urgency of the same.**
  - b. **THAT this honourable court be pleased to order stay of execution of the order granted on 4<sup>th</sup> July 2018 and all consequent orders pending hearing and determination of this application.**
  - c. **THAT this honourable court be pleased to review, set aside on vary the order issued on 4<sup>th</sup> July, 2018.**
  - d. **THAT this honourable court be pleased to give any other or additional orders as it may deem fit and in order to meet the ends of justice.**
  - e. **THAT the costs of this application be provided for.**
2. The applicant filed the affidavit he swore in support of the motion. William Gatei Muiruri, the respondent herein, filed a replying affidavit he swore and a notice of preliminary objection to oppose the motion.
3. This court gave directions to have the motion disposed by written submissions. However, at the time of writing this ruling none of the parties had filed their written submissions therefore this court proceeded to consider the material placed before it to determine the motion.
4. I have considered the grounds stated on the face of the motion plus the facts deponed in the affidavits filed in support and against the motion. I have further considered the notice of preliminary objection.
5. The main prayer the applicant has sought is an order for review with a view of setting aside the order issued on 4<sup>th</sup> July 2018. The record shows that on 4<sup>th</sup> July 2018, Lady Justice Thuranira issued the following orders inter alia;
  - i. That the exparte orders of Lady Justice B. Thuranira Jaden made herein on 19<sup>th</sup> September 2016 be and is hereby set aside.
  - ii. That the application dated 26<sup>th</sup> July 2016 and filed on the same day be and is hereby struck out.
6. Those are the orders the applicant now seeks to be reviewed and set aside vide the instant motion.
7. When the motion came up for interpartes hearing learned counsels appearing in this matter did not point out that the orders sought to be reviewed were issued by Lady Justice Thuranira. The Honourable Judge is still serving in Civil Division. It is only prudent and fair to have the application heard and determined by the Hon. Lady Justice Thuranira. Consequently, this file should be placed before Lady Justice Thuranira on 16<sup>th</sup> September 2021 for mention for further orders and directions on the motion dated 30<sup>th</sup> January 2019.

DATED, SIGNED AND DELIVERED ONLINE VIA MICROSOFT TEAMS AT NAIROBI THIS 26<sup>TH</sup> DAY OF AUGUST, 2021

.....

**J. K. SERGON**

**JUDGE**

In the presence of:

..... for the Applicant

..... for the Respondent