



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT MIGORI

IN TH PETITION NO. E001 OF 2020

IN THE MATTER OF ARTICLES: 2, 10, 19, 20, 21, 22,

23 & 165 OF THE CONSTITUTION OF KENYA 2010

AND

IN THE MATTER OF: THE ALLEGED CONTRAVENTION OF FUNDAMENTAL RIGHTS & FREEDOMS SECURED AND GUARANTEED UNDER ARTICLES 27, 28, 32, 33, 46, 47, 50, 59, 159 & 165 (6) OF THE CONSTITUTION OF KENYA, 2010

BETWEEN

PENINA AUMA OTAGO.....1ST PETITIONER

CHRISTINE AKINYI OCHOLA.....2ND PETITIONER

-VERSUS-

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

THE CHIEF MAGISTRATE’S COURT.....2ND RESPONDENT

ETHICS AND ANTI-CORRUPTION.....3RD RESPONDENT

ZACHARY OKOTH OBADO.....1ST INTERESTED PARTY

DAN ACHOLA OKOTH.....2ND INTERESTED PARTY

SCARLET SUSAN OKOTH.....3RD INTERESTED PARTY

JERRY ZACHARY OKOTH.....4TH INTERESTED PARTY

EVERLYNE ADHIAMBO ZACHARY.....5TH INTERESTED PARTY

JARED PETER ODOYO OLUOCH KWAGA.....6TH INTERESTED PARTY

JORAM OPALA OTIENO.....7TH INTERESTED PARTY

PATROBA OCHANDA OTIENO.....8TH INTERESTED PARTY

RULING

Pursuant to the court directions issued on 9/11/2020, the twin applications for ruling are the Notice of Motion Applications dated 6/11/2020 filed evenly and another dated 5/11/2020 filed on 9/11/2020 by the 1st and 3rd respondents respectively. In tandem with its Notice of Motion application, the 1st respondent filed a Notice of Preliminary Objection dated 6/11/2020 which shall also be the subject for determination herein.

The genesis of the aforementioned applications by the 1st and 3rd respondents together with 1st respondent's notice of preliminary objection, was the petitioners' notice of motion application and the substantive petition all dated 14/10/2020. The petitioners' application is anchored on the **nineteen (19) grounds** set out on its face thereof. It is also supported by the affidavit of the 1st petitioner sworn on 14/10/2020.

The petitioners sought the following orders:-

i) Spent.

ii) That pending inter - parties hearing and determination of this application, the court be pleased to stay the proceedings in Anti - Corruption Case No. MCAC/E018 at the Chief Magistrate's Court in Milimani.

iii) That pending the inter - parties hearing and determination of this petition, this court be pleased to stay the proceedings in Anti - corruption case no. MCAC/E018 at the Chief Magistrate's court in Milimani.

v) Costs be in the cause.

The 1st petitioner contends that the petition raises substantial questions of law under the Constitution of Kenya, 2010 (**The Constitution**) based on the following facts: -

i) The petitioners are residents of Migori Town working and residing in Migori County;

ii) The substratum of the petition is that the petitioners are resident of Migori County and criminal charges have been preferred against them in the Chief Magistrate's Court at Milimani whereas the Migori County has a Chief Magistrate's court within its locality with the jurisdiction to hear and determine cases of similar nature;

iii) That the alleged cause of action arose in Migori County within the local limits of the jurisdiction of the Chief Magistrate's Court at Migori which court is bestowed with the jurisdiction to hear and determine the suit herein Chief Justice Maraga (Rtd) having gazetted two Magistrates to hear and determine cases of similar nature in Nairobi;

iv) The practice directions in Gazette Notice number 9123 issued on 8/12/2015 that created the Anti - Corruption and Economic Crimes Division of the High Court in Nairobi was in relation to disputes relating to corruption and economic crimes matters that may be filed under any law in the High Court and not in the lower court as is the case herein;

v) The reason why there is created numerous courts of law in Kenya is to bring justice closer to the citizens. The actions of the respondents is eroding the gains that the Constitution has tried to achieve over the years;

vi) That the voluminous documents in this matters have to be transferred each time they are needed from Migori to Nairobi which is tedious on the part of the petitioners;

vii) That the expenses to be incurred by the petitioners will be more given that their family members will be forced to travel to Nairobi for the purposes of the proceedings;

viii) That parties to the criminal case reside in Migori where the cause of action arose therefore the best placed court to hear the case is Migori Court and given the many witnesses that ought to testify in the case;

ix) That the right to a fair hearing is a constitutional right that is enshrined in the Constitution to ensure that the due process is followed and fairness is observed while administering justice;

x) That no proper reason has been advanced by the respondents to warrant the filling of the criminal case in Nairobi when the cause of action arose within the jurisdiction of Migori Law Courts which is competent to try the instant suit.

xi) The balance of convenience calls upon this court to have matters heard where the cause of action arose, the place of resident of both the petitioners and the interested parties;

xii) That the petitioners shall suffer irreparable loss and damage if the orders sought are not granted and it is in the interest of justice that the said petition be allowed.

The petitioners sought the following orders:-

- a) **A declaration that the Chief Magistrate's Court at Migori Law Courts has the jurisdiction to hear and determine the Anti - Corruption Case No. MCAC/E018 of 2020 currently filed at the Chief Magistrate's Court in Milimani.**
- b) **In the alternative, a declaration that the nearby Chief Magistrate's Court at either Kisii or Homabay Law Courts have the jurisdiction to hear and determine the Anti - Corruption Case No. MCAC/E018 of 2020 filed at the Chief Magistrate's Court in Milimani.**
- c) **A declaration that the Anti - Corruption case no. MCAC/E018 of 2020 filed at the Chief Magistrate's Court in Milimani be transferred to the Chief Magistrate's Court at Migori or in the alternative to nearby Homabay or Kisii Chief Magistrate's courts which have jurisdiction to hear and determine cases of similar nature.**
- d) **Costs of the petition be borne by the respondents jointly.**
- e) **The court be pleased to issue such orders as it may deem fit.**

The 1st respondent is the Office of the Director of Public Prosecution which filed a notice of preliminary objection and a notice of motion application both dated 6/11/2020 and filed evenly. Both the notice of preliminary objection and the application raise similar issues and the main grounds being:-

- a) **That this court lacks jurisdiction to hear and entertain the notice of motion application and petition E001 of 2020 both dated 14/10/2020;**
- b) **There is established a High Court Anti - Corruption and Economic Crimes Division to specifically hear and determine petitions and Judicial Review applications on claims of infringement of Constitutional rights relating to corruption and/or economic crimes related matters vide Gazette Notice No. 7262 of 26/6/2018;**
- c) **That petitioners in the application and Petition No. E001 of 2020 dated 14/10/2020 allege infringement and/or threatened infringement of constitutional rights relating to MCAC/E18 of 2020 which falls within the jurisdiction of the Anti - Corruption and Economics Crimes Division of High Court of Kenya Nairobi pursuant to the aforementioned practice directions.**

The further grounds in the Notice of Motion application dated 6/11/2020 supported by the supporting affidavit of **Hellen Mutellah**, a Senior Prosecution Counsel practicing in the office of the 1st respondent are:-

- i) **That on 8/12/2015 the Hon. Chief Justice vide Gazette Notice No. 9123 established a Division of the High Court known as the Anti - Corruption and Economics Crime cases;**
- ii) **The purpose of Gazette Notice No. 9123 was in the interest of the effective case management and in order for similar disputes to be effectively and efficiently adjudicated before a specialized High Court;**
- iii) **That on 9/12/2016 the Chief Justice vide Special Issue Vol CXVII - No. 153 Gazette Notice No. 10263 issued practice directions for the Anti - Corruption and Economic Crimes Division of the High Court pursuant to the powers bestowed upon him by Section 5 of the Judicial Service Act No. 1 and Section 16 of the High Court (Organization and Administration) Act, No.27 of 2015 for the effective case management in the Anti - Corruption and Economic Crimes Division of the High Court;**
- iv) **That further the Hon. Chief Justice vide Gazette Notice No. 7262 of 26/6/2018 issued Practice Directions for the Anti - Corruption and Economic Crimes Division of the High Court;**
- v) **That Rule 2 of the said practice directions stipulates that "all new cases relating to corruption and economic crimes shall be filed in the Principal Registry of the Division at Nairobi" for hearing and determination;**
- vi) **That Rule 8 of the said Practice Directions provides for the scope and mandate of the said Division and the mandates which are relevant to the petition which are filed herein.**

The 3rd respondent filed its application dated 5/11/2020 on 09/11/2020. The application is based on four (4) grounds appearing on the face thereof and is supported by the Supporting Affidavit of **Culent Simiyu Lunyolo** Counsel who has conduct of this matter. The application echoes similar grounds to those ones in the application by the 1st respondent centered on the competence and the jurisdiction of this court to handle and determine the petitioners' application and petition.

The petitioners through the 1st Petitioner (Penina Auma Otago), filed a response to the 1st respondent's notice of preliminary objection, a replying affidavit to the 3rd respondent's application and a further supplementary affidavit all dated 13/11/2020.

The replies thereto are similar and I wish to point out the relevant responses for the purposes of this ruling. The 1st respondent deponed: -

- i) **That the Gazette Notice No. 10263 of 9/12/2016 the Practice Directions for the Anti - Corruption and Economic Crimes**

Division of the High Court were amended by the order of the High Court in Constitutional Petition No. 534 of 2016 to provide for sub - registries outside Nairobi and Migori is one of the sub - registries hence the petition is rightfully supposed to be heard in Migori.

ii) That it is noteworthy that the 2018 Practice Directions amended the 2016 Practice Directions vide Kenya Gazette Notice No. 7262 of 2018.

iii) That this court has unlimited and original jurisdiction in criminal and civil matters by virtue of powers conferred to the High Court under the provisions of Article 165 (3) of the Constitution of Kenya.

iv) That the Direction 4 of the Practice Directions lays down the overriding objective of the Practice Directions which is the just, efficient, expeditious, proportionate and accessible adjudication of disputes related to corruption and economic crimes.

The 3rd respondent filed its submissions dated 8/11/2020 on 17/12/2020. The 3rd respondent submitted that it is an independent Commission established pursuant to Article 79 of the Constitution and Section 3 of the Ethics and Anti - Corruption Commission Act, 2011 (EACCA) with the powers to investigate the conduct of any person and/or body which constitutes corruption and economic crimes and unethical conduct pursuant to Chapter Six of the Constitution of Kenya, the Anti - Corruption & Economic Crimes Act, 2003 (ACECA), Ethics & Anti - Corruption Commission Act, 2011 (EACCA), Public Officers Ethics Act, 2003 (POEA) and Leadership and Integrity Act, 2012 (ILA).

Further, pursuant to Section 11 (1)(d) EACCA, the Commission investigates and recommends to the Director of the Public Prosecutions (the 1st respondent herein) the prosecution of any acts of corruption, bribery or economic crimes or violation of codes or other matters as prescribed by the Anti - Corruption and Economic Crimes Act or any other law pursuant to Chapter Six of the Constitution.

The 3rd respondent reiterated that the Chief Justice vide Gazette Notices dated 8/12/2015 and 9/12/2016 directed that all new Anti - Corruption and Economic Crime matters be filed in the Principal Registry of the Division at Nairobi for hearing and determination. To further support this position, the 3rd respondent relied on several precedents. On the issue of the new sub - registries established, the 3rd respondent submitted that there is no Gazette Notice that has been attached to support the claim that a sub - registry has been established in Migori to specifically deal with cases relating to corruption and economic crimes. The 3rd respondent urged the court to consider the orbiter in **Homa Bay Petition No. 6 of 2017; Bob Kephah Otieno & Another vs DPP.**

The 1st respondent filed its submissions dated 15/1/2021 on 28/1/2021. The 1st respondent outlined one issue for determination, that is, whether this court has jurisdiction to hear the present petition and all the applications appurtenant thereto.

The 1st respondent emphasized that the petition and the notice of motion filed by the petitioners fall within the purview of the matters listed under Gazette No. 9123 of 8/12/2015 to be heard before specialized division of the High Court, referred to as the Anti - Corruption and Economic Crimes Division of the High Court. The 1st respondent further submitted that it is not in dispute that there are various Anti - Corruption and Economic Crimes Divisions across the country but Migori is not listed as one of the High Courts that have jurisdiction over corruption and economic crimes as relates specifically to the issue at hand. Particularly, the allegations of infringement of the petitioners' Constitutional Rights and Freedoms in relation to corruption and economic crimes is a preserve of the Anti - Corruption and Economic Crimes Division of the High Court. The 1st respondent directed the court to the Practice Directions issued under Special Issue Vol. CXVII – No. 53 Gazette Notice No. 10263 issued in 2016 and in particular Rules 2, 5 and 6.

Further to the foregoing, the 1st respondent submitted that when the petitioners first appeared before the Chief Magistrates' Court for plea, there was no objection on the issue of jurisdiction; that the offence of money laundering was allegedly committed in the Republic of Kenya, Scotland, United Kingdom and Australia and not in Migori; that the proceeds of the crimes were used to purchase a house in Loresho Ridge which is in Nairobi and not Migori.

In conclusion, the 1st respondent submitted that it is appropriate that the main intention behind the Gazetted Practice Directions be upheld; that this was to ensure quick and efficient determination of corruption and economic crimes in the specialized courts and the logistics thereof had been in place; that this does not in any way remove the unlimited jurisdiction of the High Court but there exists other specialized divisions of the courts to ensure timely management of such specific cases. The 1st respondent urged the court to allow its application and order the Court's Deputy Registrar to transfer the petition filed by the petitioners to the Anti - Corruption Division of the High Court.

The petitioners did not file any submissions despite being given the opportunity to do so.

I have carefully considered all the applications on record, the notice of preliminary objection, the petitioners' replies thereto, the respective submissions of the Respondents and authorities. On that account, it is this court's considered opinion that the issues for determination that arise therefrom are:-

Whether the Notice of Preliminary Objection dated 6/11/2020 filed by the 1st respondent should be upheld;

Whether the applications dated 6/11/2020 and 5/11/2020 by the 1st and 2nd respondents respectively are merited.

As this court has pointed out before, the issues raised in the Notice of Preliminary Objection and the subsequent applications filed by the 1st and 3rd respondents, raise similar issues which are centred on the jurisdiction of this court to hear and determine the application and the petition filed by the petitioners and dated 14/10/2020. They shall therefore be determined at once.

The question of jurisdiction has to be addressed promptly for it is the lifeline of any court. Jurisdiction as it has been stated time and again, is everything and without it, no court, tribunal or a competent dispute resolution fora, has the mandate to interrogate or look into the dispute before it. Any consequential decision made thereafter will be of no effect.

The purpose of a Preliminary Objection was alluded to by the Supreme Court in the case of **Independent Electoral & Boundaries Commission -Vs- Jane Cheprenger & 2 Others [2015] eKLR** as follows: -

“...firstly, it serves as a shield for the originator of the objection-against profligate deployment of time and other resources. And secondly, it serves the public cause, of sparing scarce judicial time, so it may be committed only to deserving cases of dispute settlement.”

The threshold which a Notice of Preliminary Objection should meet was well laid out in the case of **Mukisa Biscuits Manufacturing Co. Ltd -Vs- West End Distributors (1969) EA 696**.

The Supreme Court echoed what constitutes a Preliminary Objection in the case of: **Hassan Ali Joho & Another -Vs- Suleiman Said Shabal & 2 Others SCK Petition No. 10 of 2013[2014] eKLR**. The Supreme Court held:

“...a Preliminary Objection consists of a point of law which has been pleaded or which arises by clear implications out of pleadings and which if argued as a preliminary point may dispose of the suit.”

A Preliminary Objection should raise points of law which do not require further proof by way of evidence. The assumption is that all the facts have been pleaded correctly by the other party hence the points of law can be clearly deduced from the pleadings.

In the case of **Mukisa Biscuits -Vs- West End Distributors (supra)**, the court went on to state what constitutes a point of law. The learned Judge Law JA stated as follows: -

“...examples are an objection to the jurisdiction of the court or a plea of limitation or a submission that the parties are bound to a contract giving rise to this suit to refer the dispute to arbitration.” (emphasis supplied).

The gist of the petitioners' application and the petition the **Anti - Corruption Case No. MCAC/E018/2020** in which the petitioners and the interested parties are sued for various crimes of fraudulent procurement payments by the 1st interested party either by himself, proxies and other designated County Government employees in Migori County.

The 1st and 3rd respondents further contend that such Anti - Corruption and Economic Crime Acts fall within the purview of the established Anti - Corruption and Crimes Division of the High Court, Nairobi by dint of Gazette Notice No. 10263 of 2016.

It is not in dispute that there is an established Anti - Corruption and Crimes Division of the High Court in Nairobi vide Gazette Notice No. 9123 of 8/12/2015 by the then Chief Justice Hon. Willy Mutunga. The Gazette Notice reads in part at Rule 2:-

“In addition to the divisions of the High Court of Kenya namely, the Criminal Division, the Civil Division. The Constitutional and Human Rights Division, Commercial and Tax Division in Nairobi and Mombasa and the Family Division, there shall be established beginning the next terms of the court on 15th January 2016 a High Court Division on Anti - Corruption and Economics Crimes Division in Nairobi and Admiralty Division in Mombasa”

Further, on 9/12/2016 vide Gazette Notice No. 10263 the then Chief Justice Hon. D.K. Maraga gazetted Practice Directions for the Anti - Corruption and Economic Crimes Division of the High Court. In particular, on its application Rule 2 states:-

“All new cases relating to corruption and economic crimes shall be filed in the Principal Registry of the Division at Nairobi for hearing and determination.”

It is on the above basis that the 1st and 3rd respondent submit that the Chief Magistrates' Court in Migori has no jurisdiction to hear and determine disputes relating to Anti - Corruption and Economic Crimes.

The petitioners submitted that since the alleged crimes were committed within Migori and the accused are residents of Migori Town, it is in the best interest of justice to have them transferred and be heard and determined by the Chief Magistrate's Court in Migori and/or nearby Magistrate Courts in Kisii and Homabay Counties. In addition, by dint of the findings of the court in **Constitutional Petition No. 534 of 2016 Peter Wanyama Manyonge vs Chief Justice of the Republic of Kenya & 5 Others**, the Chief Justice was directed to decentralize and establish other registries of the Anti - Corruption and Economic Crimes outside Nairobi.

Indeed, by a Gazette Notice No. 7261 of 20/7/2018, the then Chief Justice Hon. D.K. Maraga amended the Gazette Notice No. 10263 of 2016 and Rule 3 states:-

“The Chief Justice may establish sub-registries outside Nairobi.”

Section 16 and 17 of the High Court (Organization and Administration) Act 2015 mandates the Chief Justice as the head of the Judiciary to issue practice direction and written guidelines to Judges and Judicial Officers and to oversee the administration and management of the court.

In performing those duties, the Chief Justice is to uphold and ensure the application of Constitutional values and principles espoused in the spirit of Article 159 of the Constitution of Kenya, 2010.

The overriding objectives of the proceedings in the Anti - Corruption and Economic Crimes Division of High Court are contained in Rule 4 and 5 of the Gazette Notice No. 7262 of 2018 which include among others:-

The just determination of the proceedings;

Efficient use of the available administrative resources;

Timely disposal of the proceedings at an affordable cost;

Use of appropriate technology.

The scope of the matters falling within the jurisdiction of the Anti - Corruption and Economic Division of High Court are outlined in Rule 6 of the Gazette Notice No. 7262 of 2018. Rule 6 (a) - (d) specifies the matters to be heard by the specialized Division as:-

petitions and judicial review applications on claims of infringement or the threatened infringement of Constitutional Rights relating to corruption and/ or economic crimes related matters;

all proceedings relating to corruption and economic crimes over which the Magistrates' Anti - Corruption Court has no jurisdiction;

all criminal reviews, revisions, appeals and any other applications arising from decisions of the special Magistrates appointed under Section 3 of the Anti- Corruption and Economic Crimes Act, 2003;

cases relating to corruption and economic crimes files under the outlined Act below.

Rule 6 (e) provides that the disputes which the specialized Division can handle relate to:-

Offenses or the recovery, or protection of public property or,

The tracing, freezing of, or confiscation of proceeds of corruption or related to corrupt and money laundering; and

The payment of compensation of proceeds from corruption and economic crimes.

The petitioners are not disputing the nature of the alleged charges filed against them. Their only issue is that it would be efficient to determine the matter in the Migori Chief Magistrates' Court and/or other nearby Chief Magistrate stations because they are all residents of Migori and the crimes were committed within Migori Town.

While I do not dispute that it is ideal to file the suit in Migori given the persons of interest reside within Migori County, the nature of the crime itself specifically falls within the ambit of Anti - Corruption and Economic Crimes Act No. 3 of 2003 which is one of the Statutes mentioned in Rule 6 (d) (i) to (xiii) of Gazette Notice No. 7262 of 2018.

As rightly held by the court in **Constitutional Petition No. 464 of 2018 (2020) eKLR Prof. Tom Ojienda SC vs Ethics and Anti - Corruption Commission.**

“In matters reserved for a particular division of the High Court, there should be no good reason for a judge to decline the transfer of a matter to the correct station or division once the application is made.”

The court further held;

“A Judge of the High Court does not indeed have jurisdiction to hear all matters in which the High Court has been granted jurisdiction by the Constitution and the Laws of the land. The creation of divisions of the High Court is meant to ensure that matters are heard and disposed in an efficient and effective manner.”

To emphasize, the court in **Ondieki Nyairo vs Paul Chepkwony & 2 Others (2017) eKLR Mumbi Ngugi J** held;

“As is evident in the Practice Directions issued by the Chief Justice regarding the mandate of the Anti - Corruption and Economic Crimes Division, all matters “relating to corruption and economic crimes” files under any of the Act enumerated in Rule 5 fall within the mandate of the Division. In my view, the petition before me is one such matter. It would defeat the purpose of the establishment of the Division if we were to engage in splitting of hairs and argue that the matter does not fall within its mandate because it does not involve a prosecution for corruption, yet it seeks the orders and sanctions that are within the mandate of the court when dealing with cases under the Acts enumerate in the Practice Directions.”

It is well settled, that there being a specialized Division to handle the specific matters, it is in order to have them filed and determined in their

respective Divisions. In handling those specific cases, the specialized Divisions concentrate on those specific matters hence they achieve speedy and efficient disposal of the suits.

The petitioners have also put up a spirited submission that Gazette Notice No. 7262 of 2018 established sub - registries outside Nairobi. There is no such known registry as far as this court is concerned either in the Migori, Kisii or Homabay Counties. Rule 3 of the aforementioned Gazette Notice is yet to be operationalized.

Further, Rule 6 (c) provides that the special Magistrates to handle matters of such nature as this one are to be appointed under Section 3 of the Anti - Corruption and Economic Crimes Act, 2003. This can only mean that there are specialized Magistrates who are appointed to hear such matters. The petitioners have not proved to this court that such Magistrates have been appointed and are situated in the Migori, Kisii and Homabay Court stations.

It is also prudent to point out that Rule 8 of the Gazette Notice of 7262 of 2018 gives an exception as follows:-

“All cases relating to corruption and economic crimes which have been filed before other stations or divisions of the High Court, in which hearing has not commenced, shall be transferred to Anti-Corruption and Economic Crimes Division.”

Even if the case before this Court was filed in this station and hearing not commenced, it would have been transferred to the relevant division. In the event that it was filed before this Court or within the Migori station and hearing commenced there would have been no need to transfer the matter. However, Since the matter was already filed in Nairobi in accordance with Rule 2 of the Gazette Notice of 7262 of 2018, there will be no need to interfere with the specialized functions of the said Division. Besides the petition did not disclose at which stage the case before the Magistrate in Nairobi has reached. If it is partly heard, then it would only be proper that the hearing proceeds before that court.

I have also noted earlier in this Ruling that the offences are alleged to have been committed in UK, Scotland, Australia, Nairobi and therefore the case can be tried in any of those areas where the offences were allegedly committed.

In the end, I find merit in the 1st respondent's Notice of Preliminary Objection dated 6/11/2020, its Notice of Motion Application dated evenly and the 3rd respondent's Notice of Motion Application dated 5/11/2020.

The Petitioner's Notice of Motion Application and the substantive Petition all dated 14/10/2020 be and are hereby transferred to the Ethics and Anti - Corruption and Economic Crimes Division Nairobi for disposal. The Deputy Registrar Migori High Court ensure efficient and quick facilitation of the files.

There shall be no orders as to costs.

DATED, SIGNED AND DELIVERED AT MIGORI THIS 30TH DAY OF SEPTEMBER, 2021

R. WENDOH

JUDGE

Ruling delivered in the presence of:

No appearance for the Petitioners.

No appearance for the 1st Respondent.

No appearance for the 2nd Respondent.

No appearance for the 3rd Respondent.

No appearance for the 1st Interested Party.

No appearance for the 2nd Interested Party.

Mr. Mwangela holding brief Ms Lunyolo for the 3rd Interested Party.

No appearance for the 4th Interested Party.

No appearance for the 5th Interested Party

No appearance for the 6th Interested Party.

No appearance for the 7th Interested Party.

No appearance for the 8thInterested Party

No appearance for the 9th Interested Party.

Nyauke Court Assistant