



**REPUBLIC OF KENYA**

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

**JUDICIAL REVIEW APPLICATION NO. 131 OF 2020**

**IN THE MATTER OF AN APPLICATION FOR LEAVE FOR JUDICIAL REVIEW ORDERS OF CERTIORARI**

**BETWEEN**

**REPUBLIC .....APPLICANT**

**VERSUS**

**THE DISCIPLINARY TRIBUNAL**

**OF THE LAW SOCIETY OF KENYA.....RESPONDENT**

**EX PARTE:**

**JOHN WACIRA WAMBUGU**

**RULING**

1. The Applicant herein, John Wacira Wambugu, is an advocate of the High Court of Kenya, and he has brought an application by way of a Chamber Summons dated 17<sup>th</sup> June 2020 seeking leave to apply for orders of Certiorari to quash the decision of the Law Society of Kenya Disciplinary Tribunal (the Respondent herein) in Disciplinary Cause No. 79 of 2013 in an order issued on 15<sup>th</sup> June, 2020, requiring the Applicant to deposit the sum of Kshs. 11,900,000/= and release the same to the Law society of Kenya. He also sought orders that the grant of leave do operate as a stay of the said directions of the Respondent.
2. The application is supported by a statutory statement dated 17<sup>th</sup> June 2020 and a verifying affidavit sworn by the Applicant on the same date. Upon perusal of the said pleadings, I note firstly that there were complainants in Disciplinary Tribunal Cause No. 79 of 2013 in whose favour the impugned decision was made, and who have not been joined as parties herein. Secondly, the Applicant has not provided evidence of the decision made by the Respondent that is the subject of the application, and states that he has applied for a copy of the Ruling and Order delivered by the Respondent on 15<sup>th</sup> June, 2020, but has not been availed the same.
3. In the circumstances, this Court is not in a position to determine the existence and nature of the decision sought to be quashed, and if the Applicant thereby has an arguable case for purposes of granting leave. The Applicant is however granted leave to file an amended Chamber Summons, joining the complainants in Disciplinary Tribunal Cause No. 79 of 2013 as Interested Parties therein, and annexing evidence of the decision made on 15<sup>th</sup> June 2020 by the Respondent Disciplinary Tribunal Cause No. 79 of 2013. New dates for hearing shall be taken by the Applicant upon compliance.
4. The Deputy Registrar of the Judicial Review Division shall send a copy of this ruling to the *ex parte* Applicant by electronic mail by close of business on **Friday, 19<sup>th</sup> June 2020**.
5. Orders accordingly.

**DATED AND SIGNED AT NAIROBI THIS 19<sup>TH</sup> DAY OF JUNE 2020**

**P. NYAMWEYA**

**JUDGE**