



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

JUDICIAL REVIEW APPLICATION NO. 133 OF 2020

BETWEEN

REPUBLIC.....APPLICANT

VERSUS

NAIROBI CITY COUNTY ASSEMBLY.....RESPONDENT

EX PARTE APPLICANT: WAMUNYORO INVESTMENTS LIMITED

JUDGMENT

The Application

1. Wamunyor Investments Limited, the *ex parte* Applicant herein, is aggrieved by the decision by the Committee on Public Accounts of the Nairobi City County Assembly (the Respondent herein), to commence an inquiry into matters pertaining to the *ex parte* Applicant's ownership of land parcel LR 209/12077, as well as the Applicant's acquisition of the said property.

2. The *ex parte* Applicant has consequently moved this Court in an application made by way of a Notice of Motion Application dated 29th June, 2020, seeking the following orders:

- a. An Order of Certiorari to remove to the High Court and quash the decision and findings of the Respondent's Select Committee on Public Accounts to initiate an inquiry into LR 209/12077 as contained in the Respondent's letter dated 26th May 2020.**
- b. An Order of Prohibition to issue prohibiting the Respondent, whether by itself, Committees, officers and/or agents from purporting to make any inquiry into the ownership of LR 209/12077.**
- c. Any other and/or further relief that this Court may deem just and expedient to grant in the circumstances.**
- d. Costs of this Application be awarded to the ex-parte Applicant.**

3. The application is supported by the *ex parte* Applicant's Statutory Statement dated 18th June 2020, and a verifying affidavit sworn on the same date by Hon. Gachagua Rigathi, the *ex parte* Applicant's Managing Director. The *ex parte* Applicant also filed a supporting affidavit sworn by the same deponent on 29th June, 2020

4. The Respondent filed its Grounds of Opposition dated 13th July, 2020 in opposition to the Notice of Motion Application dated 29th June, 2020 on the grounds that:

- a. The application is unmerited, misconceived and pre-mature as it offends the doctrine of ripeness; and
- b. The *ex-parte* Applicant has not satisfied the statutory threshold to warrant the orders of judicial review in the nature of Certiorari and Prohibition thus the instant application amounts to an abuse of the due process of Court.

The Respondent also filed a Replying Affidavit dated 16th July, 2020 sworn by Pauline S. Akuku the acting clerk of the Nairobi County Assembly, in opposition to the Notice of Motion Application dated 29th June, 2020.

5. The parties' respective cases are set out in the following sections.

The ex parte Applicant's case

6. The *ex parte* Applicant averred that on 26th May, 2020, the Acting Clerk of the Respondent wrote to a letter to notify it that the Respondent's Select Committee on Public Accounts had commenced an inquiry into possible irregular subdivision/allocation of the parcel of land LR 209/12077 owned by the *ex parte* Applicant, and that in particular, it had been alleged that the title of the said land was unfairly/irregularly registered in favour of the *ex parte* Applicant. Further, that the gist of the said letter, which also invited the *ex parte* Applicant's Managing Director to attend before the Respondent's Committee aforesaid and make representations, was that the Committee of the Respondent intends to delve into the ownership of the subject parcel of land by the *ex parte* Applicant.

7. According to the *ex parte* Applicant, its ownership of the said property has already been inquired into by the National Lands Commission pursuant to the powers conferred to the Commission under Article 68 of the Constitution, as well as under Sections 14 (4), (5), (6), (7) and (8) of the National Lands Commission Act, 2012 and definitive findings made by way of a decision dated 24th March, 2016 as to the legitimacy of the *ex parte* Applicant's ownership of LR 209/12077. That on the other hand, the Respondent's Committee on Public Accounts, which derives its mandate from Standing Order 197 (2) of the Nairobi City County Assembly, is only charged with the examination of the accounts showing the appropriations of the sum voted by the County Assembly to meet the public expenditure and of such other accounts laid before the County Assembly as the Committee may think fit.

8. The *ex parte* Applicant contended that in the circumstances, the said Committee of the Respondent lacks any jurisdiction whatsoever to make any inquiry whatsoever into matters pertaining to the ownership of land especially since such an inquiry has already been made and concluded by the National Lands Commission with there being no challenge whatsoever to that decision.

9. The *ex parte* Applicant's case therefore, is that the Respondent's Committee on Public Accounts, by embarking on an inquiry into the ownership of LR 209/12077, is exceeding its jurisdictional mandate and is acting *ultra vires* to its delegated powers in violation of law. Further, that by so doing, the Respondent's Committee was compelling the *ex parte* Applicant to subject itself to an extrajudicial process that has no basis in law which action is clearly unreasonable, unlawful and an excess use of authority. The *ex parte* Applicant annexed a copy of the letter dated and of the National Lands Commission's decision on its ownership of the subject land

The Respondent's case

10. The Respondent confirmed that its acting Clerk wrote a letter dated 26th May, 2020 to the *ex-parte* Applicant's Managing Director inviting him to attend a meeting of its Select Committee on Public Accounts, which was procedural and directed by the Chairman of the said Committee. Further, that this was after the office of the Clerk of the County Assembly received a written Petition on 17th February, 2020, pursuant to Standing Order No. 208 (1), from one Mr. John Ohas on what he termed as fraudulent attempt to acquiring parcel number L.R. No. 209/12077 off Mombasa Road. The Respondent stated that in line with Standing Order No. 208 (4) and (5), it reviewed the said Petition and processed the same to the Speaker of the County Assembly and the County's Public Accounts Committee, which is mandated to inquire into the allegations contained in the Petition pursuant to Standing Orders Number 197. The Respondent annexed a copy of the Petition

11. The Respondent's case is that the County Public Accounts Committee, in discharge of its mandate under the Standing Orders, is empowered to summon witnesses to attend to the Committee's sessions, hence the invitation to the *ex parte* Applicant by the letter dated 26th May, 2020, which was not a final decision of the Committee capable of being quashed by these proceedings but was part of the inquiry process. According to the Respondent, the *ex-parte* Applicant ought to have subjected himself and responded to the inquiry instead of rushing to Court, and that this case brings into focus the principle of ripeness which prevents a party from approaching a Court prematurely at a time when he has not yet been subject to prejudice or real threat to prejudice. Therefore, that in the circumstances, facts presented to this case do not disclose a ripe dispute for judicial adjudication.

The Determination

12. The application herein was canvassed by written submissions. The *ex-parte* Applicant's advocates on record, Nyachoti & Company Advocates filed submissions dated 27th July, 2020, while Osiemo Wanyonyi & Company Advocates for the Respondent filed submissions dated 12th August 2020. The three issues arising for determination from the parties' pleadings and submissions are firstly, whether the dispute herein is ripe for judicial adjudication; secondly, whether the Respondent's Select Committee on Public Accounts has jurisdiction to inquire into the *ex parte* Applicant's ownership of the subject property; and lastly, whether the relief sought is merited.

On Ripeness of the Dispute

13. On whether the dispute herein is ripe for judicial adjudication, counsel for the *ex parte* Applicant submitted that the Respondent has cited the doctrine of ripeness to contend that no final decision had been made by its Select Committee, to warrant the *ex parte* Applicant approaching this Court. The decision in **Republic vs National Employment Authority & 3 others Ex-Parte Middle East Consultancy Services Limited [2018] eKLR** was cited by the *ex parte* Applicant for the test for assessing ripeness challenges.

14. The counsel submitted that this position notwithstanding, issues regarding jurisdiction are not issues that one awaits until it is too late e, more so when they involve the unconstitutional usurping of powers by a County Assembly such as the Respondent to purport to allow and process a Petition which the it has no jurisdiction whatsoever to investigate at all. Therefore, that in such an instance, it is illogical and callous of the Respondent to argue that the *ex parte* Applicant ought to have first appeared before its illegal session thereby subjecting itself to an inquiry not contemplated by the law, merely so a dispute could be considered ripe.

15. The *ex parte* Applicant further submitted that the simple act and decision by the Respondent to initiate illegal inquiries and to further

compel attendance of persons in furtherance of such inquiries amount to illegal decisions that warrant interference by this Court. That in the circumstances, it is therefore clear that the *ex-parte* Applicant had already been subjected to prejudice by being required to defend itself before a body without jurisdiction to make any inquiries in the nature demanded. The *ex parte* Applicant's counsel therefore in conclusion contended that the dispute herein had already ripened and crystallized, seeing as the Respondent had already assumed and donated powers to itself *ultra vires*.

16. The Respondent counsel on his part submitted that a Court must satisfy itself that the case before it is not caught up by the bar of non-justiciability. He stated that the concept of non-justiciability is comprised of three doctrines: firstly, the Political Question Doctrine, secondly, the Constitutional-Avoidance Doctrine and, thirdly, the Ripeness Doctrine. He added that the doctrines are crosscutting and closely intertwined. It was therefore the Respondent's submission that in as far as it had not made any determination or resolution and the question for determination was at the inquiry stage, the *ex parte* Applicant, by rushing to this Court seeking to stop a process which had not even commenced, is guilty and in breach of the doctrine of ripeness.

17. The Respondent further submitted that there was no ripe constitutional question capable of being adjudicated before this Court, and that justiciability of a dispute is a cornerstone through which a Court assumes jurisdiction. The counsel for the Respondent in this respect relied on the decisions in National Assembly of Kenya & Another vs Institute for Social Accountability & 6 Others [2017] eKLR, Republic vs National Employment Authority & 3 Others ex parte Middle East Consultancy Services Limited [2018] eKLR, Wanjiru Gikonyo & 2 Others vs National Assembly of Kenya & 4 Others [2016] eKLR, Law Society of Kenya vs Attorney General & Another [2020] eKLR, and Okiya Omtatah Okoiti vs Election Panel for the National Land Commission & 3 Others; Gershom Otachi Bwo'mwanwa & 7 others (Interested Parties) [2019] eKLR. The Counsel urged the court to find that the dispute, if any, was premature as it is still upon the *ex parte* Applicant to submit their grievances to the Committee for inquiry and raise the issues before the Committee before rushing to this court alleging abuse of power.

18. The doctrine of ripeness applies to prohibit courts from exercising jurisdiction over a case until an actual controversy is presented involving a threat of injury that is real and immediate. In Republic vs National Employment Authority & 3 Others ex parte Middle East Consultancy Services Limited [supra] it was held that the doctrine requires the existence of a justiciable controversy refers to an existing case or controversy that is appropriate or ripe for judicial determination, not one that is conjectural or merely anticipatory.

19. In judicial review proceedings the fact that a claim is brought prematurely is a ground for refusal to grant leave to apply for judicial review. There are however no general principles that a court will adopt in such a case, and its decision will be dependent on the context of each case. In cases where the challenge is that a public body is acting outside the scope of its powers in undertaking a particular process or course of conduct, a distinction is made between two types of decisions.

20. The first is where a decision is challenged on the basis that a body has no powers to act, and the he Court is unlikely to decline jurisdiction on the ground of prematurity, even if the challenge is brought before the conclusion of the process or course of conduct involved. If it is alleged that a public body has no power, it is in the interests of justice and efficiency in terms of costs that the true position is established sooner than later. On the other hand, in the second type where a public body has only taken a provisional decision that it has power to make, then it is quite possible that a challenge to such a decision will be premature.

21. In the present case, the controversy that has arisen is as regards the jurisdiction of the Respondent to undertake the impugned inquiry of the *ex parte* Applicant's property at all. There is therefore in existence a justiciable controversy. In addition, while it is preferable that the issue of jurisdiction should be raised at the earliest opportunity before the tribunal seized of a matter, it is such an important matter that it can be raised at any stage of proceedings and even on review and appeal, as held by the Court of Appeal in Kenya Ports Authority v Modern Holdings [E.A] Limited [2017] eKLR:

“We have stressed that jurisdiction is such a fundamental matter that it can be raised at any stage of the proceedings and even on appeal, though it is always prudent to raise it as soon as the occasion arises. It can be raised:

“...at any time, in any manner, even for the first time on appeal, or even *viva voce* and indeed, even by the Court itself

- provided only that where the Court raises it *suo motu*, parties are to be accorded an opportunity to be heard.”

(See All Progressive Grand Alliance (APGA) v. Senator Christiana N.D. Anyanwu & 2 others, LER [2014] SC. 20/2013 Supreme Court of Nigeria). We agree with these authorities and, hold that the question of jurisdiction was properly raised before this Court because, as they say in Latin, *ex nihilo nihil fit* (out of nothing comes nothing).”

22. Lastly, the existence of an alternative remedy does not divest this Court of jurisdiction in such a circumstance, as was noted by the Court of Appeal in Fleur Investments Limited v Commissioner of Domestic Taxes & Another, [2018] eKLR:

Whereas courts of law are enjoined to defer to specialised Tribunals and other Alternative Dispute Resolution Statutory bodies created by Parliament to resolve certain specific disputes, the court cannot, being a bastion of Justice, sit back and watch such institutions ride roughshod on the rights of citizens who seek refuge under the Constitution and other legislations for protection. The court is perfectly in order to intervene where there is clear abuse of discretion by such bodies, where arbitrariness, malice, capriciousness and disrespect of the Rules of natural justice are manifest. Persons charged with statutory powers and duties ought to exercise the same reasonably and fairly.”

23. It needs to be restated in this respect that this Court has **inherent and wide jurisdiction under Articles 47 and 165(6) to supervise the Respondent in this respect. The *ex parte* Applicant's application is therefore found to be properly before this Court for the foregoing reasons**

On the Respondent's Jurisdiction

24. On the Respondent's Public Accounts Committee's jurisdiction to inquire into matters pertaining to the *ex parte* Applicant's ownership of the subject property, the counsel for the *ex parte* Applicant submitted that the Nairobi City County Assembly Standing Orders (2nd edition) provide for the Select Committee on County Public Accounts, which derives its mandate from Standing Order 197 (2), which is only charged with the examination of the accounts showing the appropriations of the sum voted by the County Assembly to meet the public expenditure, and of such other accounts laid before the County Assembly as the Committee may think fit. He contended that the said Committee lacks any jurisdiction to make any inquiry whatsoever into matters pertaining to the ownership of land, especially since such an inquiry had already been made and concluded by the National Lands Commission with there being no challenge whatsoever to that decision.

25. He also averred that they submitted that the Respondent's Committee on Public Accounts by embarking on an inquiry into the ownership of LR 209/12077 would be exceeding its jurisdictional mandate and thus, acting *ultra vires* to its delegated powers in violation of law and the decision to make such inquiry should not only therefore be quashed, but the Respondent's said Committee should be prohibited from proceeding further in excess of its jurisdiction. The *ex parte* Applicant relied on the case of **Republic vs. Speaker of the Senate & another Ex parte Afrison Export Limited & Another (2018) e KLR**, where it was held that public bodies may only do what the law empowers them to do.

26. Counsel also relied on the decision in **Republic vs Republic v Firearms Licensing Board & another Ex parte Boniface Mwaura [2019] eKLR** to argue that the inquiries embarked on by the Respondent's Committee do not have any source in law and the assumption of such powers to conduct the same is therefore invalid and illegal. Further and this being the case, that the invitation to appear before the Respondent's Committee under the threat of being compelled to do so with respect to an illegal inquiry is similarly void ab initio. Lastly, reliance was placed on the findings of the Court of Appeal in the case of **Kakuta Maimai Hamisi -vs- Peris Pesi Tobiko & 2 Others (2013) eKLR**, wherein it was held that the issue of jurisdiction was is fundamental and over-arching as far as any judicial proceedings is concerned and is a threshold question at best taken at the inception of a hearing.

27. The Respondent did not make submissions on the issue of its jurisdiction or that of its Committee on Public Accounts, save for what was stated in its pleadings.

28. I am in this regard guided by the decision on jurisdiction by the Court of Appeal in **Owners of Motor Vessel "Lillian S" vs Caltex Oil (Kenya) Ltd (1989) KLR 1**, wherein it was held as follows:

"I think it is reasonably plain that a question of jurisdiction ought to be raised at the earliest opportunity and the court seized of the matter is then obliged to decide the issue right away on the material before it. Jurisdiction is everything. Without it, a court has no power to make one more step. Where a court has no jurisdiction, there would be no basis for a continuation of proceedings pending other evidence. A court of law downs tools in respect of the matter before it the moment it holds the opinion that it is without jurisdiction."

29. The Court of Appeal proceeded to define jurisdiction and its source as follows:

"By jurisdiction is meant the authority which a court as to decide matters that are litigated before it or to take cognisance of matters presented in a formal way for its decision. The limits of this authority are imposed by the statute, charter, or commission under which the court is constituted, and may be extended or restricted by the like means. If no restriction or limit is imposed the jurisdiction is said to be unlimited. A limitation may be either as to the kind and nature of the actions and matters of which the particular court has cognisance, or as to the area over which the jurisdiction shall extend, or it may partake of both these characteristics. If the jurisdiction of an inferior court or tribunal (including an arbitrator) depends on the existence of a particular state of facts, the court or tribunal must inquire into the existence of the facts in order to decide whether it has jurisdiction; but, except where the court or tribunal has been given power to determine conclusively whether the facts exist. Where a court takes it upon itself to exercise a jurisdiction which it does not possess, its decision amounts to nothing. Jurisdiction must be acquired before judgement is given"

30. As regards the time when jurisdiction vests and is required to exist, Ringera J. (as he then was) held as follows in **Adero & Another vs Ulinzi Sacco Society Limited [2002] 1 KLR 577**. Therefore, jurisdiction either exists or does not *ab initio*, and mere acquiescence will not give jurisdiction to an authority who has no jurisdiction. Likewise, participation by a party in proceedings without jurisdiction will not vest/confer jurisdiction on the authority.

31. Coming to the facts of the present case, it is not in dispute that the Respondent has relied on Standing Order 197(2) of the Nairobi City County Assembly Standing Orders for its jurisdiction to issue summon the *ex parte* Applicant. Both the *ex parte* Applicant and Respondent in this respect do not dispute that the said Standing Orders provides that *"The Public Accounts Committee shall be responsible for the examination of the accounts showing the appropriations of the sum voted by the County Assembly to meet the public expenditure and of such other accounts laid before the County Assembly as the Committee may think fit."*

32. This position as regards the mandate of the Respondent's Public Accounts Committee was also stated in the letter dated 26th May 2020 by the acting Clerk of the Respondent that was sent to the *ex parte* Applicant, which read as follows:

"NCCA/PAC/CORR/2020/251 26th May, 2020

The Managing Director

Wamunoro Investments Ltd

NAIROBI

RE: MEETING WITH THE SELECT COMMITTEE ON PUBLIC ACCOUNTS ON WEDNESDAY 3RD JUNE, 2020

The Select Committee on Public Accounts is established under the provisions of Standing Order 197 and is mandated amongst others to conduct "examination of the accounts showing the appropriation of the sums voted by the County Assembly to meet the public expenditure and of such other accounts laid before the County Assembly as the Committee may think fit."

The primary mandate of the Committee is therefore to oversight the expenditure of public funds by Nairobi City County entities, to ensure value for money and adherence to government financial regulations and procedures. The Committee further aims at ensuring that Nairobi City County public funds are prudently and efficiently utilized.

The Committee has commenced an inquiry into possible irregular subdivision/ allocation of the parcel of land LR 209/12077 and evasion of payment of land rates to the County Government hence loss of revenue. In particular, it has been alleged that the title of the said land was unfairly/irregularly registered in favor of your Company. In this regard, the Committee at its virtual meeting held on Thursday 21st May, 2020 resolved to invite you to its meeting to be held on Wednesday, 3rd June, 2020 to enable you clarify on the following:-

ii. Whether your company is the bonafide owner of the said parcel of land LR 209/12077. If yes, when and how were you allocated the said parcel of land? Provide supporting documents;

iii. The status of your payment of land rates with respect to the land LR 209/12077; and

iv. iii) Any other information relating to the aforementioned parcel of land.

This is therefore to request you to attend the aforementioned meeting on Wednesday, 3rd June, 2020 at 11.00 am in the Assembly Plenary Chamber. Due to the COVID - 19 pandemic, the Committee has put in place stringent hygienic measures in the Chamber in adherence to the Ministry of Health guidelines.

PAULINE AKUKU

AG. CLERK NAIROBI CITY COUNTY ASSEMBLY

33. It is evident from the contents of the said letter that there is incongruity between the mandate of the Committee as acknowledged therein, and the inquiry that it was seeking to undertake in relation to the title to, and ownership by the *ex parte* Applicant of parcel of land LR 209/12077, and payment of rates thereon. In addition, the jurisdiction as regards the management and administration of public land is vested in the National Land Commission under Articles 62(3) and 67 of the Constitution, and any disputes on occupation, use and title to land, including on payment of rates, are within the exclusive jurisdiction of the Environment and Land Court by dint of Article 162(2)(b) of the Constitution, and section 13 of the Environment and Land Court Act.

34. It is thus the finding of this Court that the Respondent and the Respondent's Select Committee on Public Accounts by the letter of 26th May 2020 were embarking on an inquiry and course of action that they had no mandate under the Respondent's Standing Orders, nor jurisdiction to undertake, as the jurisdiction over the allocation of, and disputes over public land is vested in the National Land Commission and the Environment and Land Court respectively.

On the Relief Sought.

35. The counsel for the *ex parte* Applicant cited the decision of the Court of Appeal in **Kenya National Examinations - Council vs. Republic Ex parte Geoffrey Gathenji Njoroge, Civil Appeal No. 266 of 1996** to submit that the *ex parte* Applicant has established and sufficiently so, proper grounds for the grant of the judicial review orders sought and it is therefore only fair and just that the prayers sought in its substantive motion dated 29th June, 2020 be allowed with costs.

36. The Respondent's submissions on the issue of remedies were that the *ex parte* Applicant has not satisfied the statutory threshold to warrant the orders of Judicial Review in the nature of Certiorari and Prohibition, and relied on the case of **Okiya Omtatah Okoiti -Vs- Communication Authority of Kenya & 8 Others, [2018] e KLR** that clear and unambiguous threats should be established by a party seeking relief before the High Court can intervene. It was further submitted that the grant of the orders of Certiorari and Prohibition is discretionary and that this Court is entitled to take into account the nature of the process against which judicial review is sought and satisfy itself that there is reasonable basis to justify the orders sought.

37. The *ex parte* Applicant has sought orders of certiorari and prohibition. An order of certiorari nullifies an unlawful decision or enactment, while that of prohibition restrains a public body from acting in the manner specified in the order to restrain a threatened or impending unlawful conduct. The Court of Appeal in the case of **Republic vs. Kenya National Examinations Council ex parte Gathenji & Others, (1997) eKLR** explained the circumstances when the orders of certiorari and prohibition can issue as follows:

"Prohibition looks to the future so that if a tribunal were to announce in advance that it would consider itself not bound by

the rules of natural justice the High Court would be obliged to prohibit it from acting contrary to the rules of natural justice. However, where a decision has been made, whether in excess or lack of jurisdiction or whether in violation of the rules of natural justice, an order of prohibition would not be efficacious against the decision so made. Prohibition cannot quash a decision which has already been made; it can only prevent the making of a contemplated decision...Prohibition is an order from the High Court directed to an inferior tribunal or body which forbids that tribunal or body to continue proceedings therein in excess of its jurisdiction or in contravention of the laws of the land. It lies, not only for excess of jurisdiction or absence of it but also for a departure from the rules of natural justice. It does not, however, lie to correct the course, practice or procedure of an inferior tribunal, or a wrong decision on the merits of the proceedings...Only an order of *certiorari* can quash a decision already made and an order of *certiorari* will issue if the decision is without jurisdiction or in excess of jurisdiction, or where the rules of natural justice are not complied with or for such like reasons.”

38. This Court has in this respect found that the *ex parte* Applicant has a justiciable claim, and that the Respondent and the Respondent’s Select Committee on Public Accounts has no mandate or jurisdiction to undertake the inquiry that it was seeking to commence against the *ex parte* Applicant as regards its title and ownership of THE parcel of land LR 209/12077. To this extent, both the orders of *certiorari* and prohibition sought by the *ex parte* Applicant are merited.

39. In the premises, the *ex parte* Applicant’s Notice of Motion application dated 29th June, 2020 is found to be merited, and is accordingly allowed to the extent of the following orders:

I. An Order of Certiorari be and is hereby granted to remove to the High Court and quash the decision and findings of the Respondent's Select Committee on Public Accounts to initiate an inquiry into LR 209/12077 as contained in the Respondent's letter dated 26th May 2020.

II. An Order of Prohibition to issue prohibiting the Respondent, whether by itself, Committees, officers and/or agents from purporting to make any inquiry into the title and ownership of LR 209/12077.

III. The Respondent shall meet the *ex parte* Applicant’s costs of the Notice of Motion application dated 29th June, 2020.

40. Orders accordingly.

DATED AND SIGNED AT NAIROBI THIS 30TH DAY OF NOVEMBER 2020

P. NYAMWEYA

JUDGE

FURTHER ORDERS ON THE MODE OF DELIVERY OF THIS JUDGMENT

In light of the declaration of measures restricting Court operations due to the COVID -19 Pandemic, and following the Practice Directions issued by the Honourable Chief Justice dated 17th March 2020 and published in the Kenya Gazette on 17th April 2020 as Kenya Gazette Notice No. 3137, this judgment will be delivered electronically by transmission to the email addresses of the *ex parte* Applicant’s and Respondent’s Advocates on record.

P. NYAMWEYA

JUDGE