

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

COMMERCIAL & ADMIRALTY DIVISION

MISC. CIVIL APPLICATION NO. E 011 OF 2019

IN THE MATTER OF ADVOCATES ACT (CAP. 16 LAWS OF KENYA)

NAIROBI CITY COUNTY.....APPLICANT

VS

MUNIKAH & CO. ADVOCATESRESPONDENT

RULING

1. In my directions of 19th July 2019, I disapproved of the conduct of Counsel Gatheru Gathemia. The language I used may be perceived as strong and a pointer that I will not deal with this matter objectively.
2. Although I assure parties that I would remain impartial, objective and true to my oath as a Judge in dealing with this and all matters that I am seized of, I am nevertheless keenly aware that bias and partiality are partly matters of perception.
3. If the language used by this Court sent a signal that I am no longer able to deal with the matter in a dispassionate manner, then a perception of non-objectivity may have been created. Since perception is important, then I must accede to the request made in the Notice of Motion dated 23rd October 2019. I do hereby disqualify myself from further dealing with this case.
4. I allow the Motion of 23rd October 2019 as prayed.

Dated, Signed and Delivered in Court at Nairobi this 19th Day of December 2019.

F. TUIYOTT

JUDGE

PRESENT:

Gatheru for Applicant/Advocate

Letangula for client

Court Assistant: Nixon