



**REPUBLIC OF KENYA**

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

**CIVIL MISC. APPL. NO. 216 OF 2018**

**JOSEPH BRADLEY WAWERU GITARI.....APPLICANT**

**V E R S U S**

**STEPHEN KINYANJUI KIBUNJA.....RESPONDENT**

**RULING**

1) Joseph Bradely Waweru Gitari, the applicant herein, took out the summons dated 28.03.2018 pursuant to the provisions of Section 60(11) of the Advocates Act and sought for the following orders:

**1. .... spent**

**2. The judgment of the Disciplinary Tribunal of the Law Society of Kenya issued in the Disciplinary Tribunal Cause no. 45 of 2014 on 10<sup>th</sup> August 2015 filed herein be adopted and enforced as judgment of this honourable court.**

**3. The honourable court do give the applicant leave to enforce the said judgment as a decree of this honourable court.**

**4. The court be pleased to direct that the costs of this application be borne by the respondent.**

2) The summons is supported by the affidavit sworn by the applicant.

3) I have considered the grounds stated on the face of the summons and the facts deponed in the supporting affidavit. It is the submission of the applicant that judgment was delivered by the **Advocates Disciplinary Tribunal** against **Stephen Kinyanjui Kibunja**, the respondent herein vide **Disciplinary Tribunal Cause no. 45 of 2014** and the decision filed in court. It is also stated that no appeal has been preferred by the respondent against the Tribunal's decision. The applicant further pointed out that the respondent has so far paid the applicant ksh.6,200,000/= leaving a balance of ksh.554,110/50 which the applicant seeks to recover by enforcement of the award.

4) Having considered the material placed before me, I am convinced that the applicant has met out a prima facie case. The application is exparte in nature hence it was not necessary to serve the respondent. Consequently the summons dated 28.3.2018 is allowed as prayed.

Dated, Signed and Delivered in open court this 24<sup>th</sup> day of May, 2018.

**J. K. SERGON**

**JUDGE**

In the presence of:

..... for the Applicant

..... for the Respondent