



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT EMBU
JUDICIAL REVIEW NO. 28 OF 2012

CHAIRMAN, TREASURER, SECRETARY &
BOARD OF GOVERNORS

GITARE PRIMARY SCHOOL.....APPLICANTS

VERSUS

CHAIRMAN, EMBU WEST DISTRICT &

DISPUTES TRIBUNAL.....1ST RESPONDENT

HON. ATTORNEY GENERAL.....2ND RESPONDENT

AND

TIRUS NJIRU KIRIMUI & OTHERS.....INTERESTED PARTIES

R U L I N G

The Notice of Motion dated 4/1/2013 and filed on the same date was filed pursuant to leave granted on 15/11/2012 by this Court.

The parties were served but the respondents filed no response. The interested parties through Mr. Kamunyori filed grounds of opposition and a very long replying affidavit.

Having been granted leave on 15/11/2012 the Notice of Motion ought to have been filed on or before 6/12/2012 i.e. within 21 days. It is clear that the filing of the Notice of Motion on 4/1/2013 was 29 days out of time. I agree with the interested parties that the Notice of Motion is incompetent as it was filed without valid leave of the Court.

Secondly if the applicants have any issues with matters from the former Land Disputes Tribunal they should file them before the Environment & Land Court which is seized with jurisdiction to handle them.

I therefore strike out the Notice of Motion dated 4/1/2013 with costs.

DELIVERED, DATED AND SIGNED AT EMBU THIS 4TH DAY OF APRIL 2014.

H.I. ONG'UDI

J U D G E

In the presence of:-

Mr. Kamunyori for Interested Party

Njue CC