



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KERICHO

MISCELLANEOUS APPLICATION NO. 36 OF 2010(JR)

JONAH KILEL.....APPLICANT

VS.

**THE CHAIRMAN BOMET LAND DISPUTES TRIBUNAL.....1ST
RESPONDENT**

**THE CHIEF MAGISTRATE, KERICHO.....2ND
RESPONDENT**

DANIEL CHEPKWONY.....3RD RESPONDENT

RULING

JONAH KILEL, the applicant, seeks in his Chamber Summons application dated 2/12/2010 leave of this Court **under Order 53 Rule of the Civil Procedure Rules 2010** to apply for an **order of certiorari** to remove into this Court for quashing the order dated 18/11/2010 made by the Chief Magistrate Court at Kericho in **SPM Misc. Application No.92 of 2009** pursuant to the award dated 30/9/2009 made by Bomet Land Disputes Tribunal and endorsed as a judgment of the Court in the said Misc. Application No.92 of 2009.

I have duly perused the said application and the Statement of facts and the verifying affidavit filed by the applicant. I have also duly considered the submission made by Miss. Millicent C. Nyigei, the learned Counsel for the applicant.

I am satisfied that the applicant has established sufficient basis to warrant the grant of the leave

sought. Accordingly, I allow the application and grant to the Applicant leave to apply for the **order of certiorari** as sought. I order that the leave herein granted shall operate as a stay of the order sought to be quashed made in Kericho SPM Court Misc. Application No. 92 of 2010 until the Notice of Motion to be filed as hereinafter directed is determined or until further orders of this Court.

I direct that the Applicant shall pursuant to **Rule 3 of Order 53** file a Notice of Motion and shall serve the same within 14 days of filing upon the Respondents named in the application for leave and upon all such persons as may be affected by it.

This matter shall be mentioned on 16/3/2011.

Costs of the application for leave shall be costs in the cause.

DATED at KERICHO this 27th Day of **JANUARY**, 2011

G B M KARIUKI, SC

RESIDENCE JUDGE

COUNSEL APPEARING

Miss. Millicent C. Nyigei, Advocate for Mr. Orina, for the Applicant

Mr. R. Koech, Court clerk