



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT KERICHO**

**MISCELLANEOUS APPLICATION NO. 43 OF 2010 (JR)**

**JUDICIAL REVIEW FOR ORDERS OF CERTIORARI**

**BETWEEN**

**JULIUS A. CHERUIYOT.....1<sup>ST</sup>**  
**APPLICANT**

**JOEL KIPYEGON MUTAI.....2<sup>ND</sup>**  
**APPLICANT**

**VS.**

**THE CHAIRMAN LONDIANI LAND DISPUTES TRIBUNAL.....1<sup>ST</sup>**  
**RESPONDENT**

**THE CHIEF MAGISTRATE, KERICHO.....2<sup>ND</sup>**  
**RESPONDENT**

**REGINA CHEPKORIR MARUSOI.....3<sup>RD</sup>**  
**RESPONDENT**

**HENRY KIPKORIR RESIOLO.....4<sup>TH</sup>**  
**RESPONDENT**

**RULING**

The Applicants, **Julius A. Cheruiyot** and **Joel Kipyegon Mutai**, seek in their application dated

15/12/2010 leave of this Court under **Order 53 Rule 1** of the **Civil Procedure Rules** to apply for an **order of certiorari** to remove into this Court for the purpose of quashing the judgment dated 2/9/2010 made by the 2<sup>nd</sup> Respondent, in the Chief Magistrate Court at Kericho in Miscellaneous application No.76 of 2010.

I have perused the application and the filed Statement of facts and the verifying affidavit. I have also duly considered the submissions of Mr. J. Motanya, the Learned Counsel for the applicants.

I am satisfied that the applicants have established sufficient grounds to warrant the grant of leave. Accordingly, I allow the application and hereby grant the applicants leave to apply for the **order of certiorari** as prayed.

I direct that within 21 days from the date hereof, the Applicants shall file a Notice of Motion pursuant to **Rule 3 of Order 53** and shall serve it within 21 days of filing on the Respondents and all such persons as may be affected by it.

I order that the leave herein granted shall operate as a stay of the proceedings in Misc. application no.76 of 2010 in the Chief Magistrates Court at Kericho and of the award of the elders dated 2/9/2010 until the Notice of Motion is heard and determined or until further orders.

This cause shall be mentioned on 11/3/2011.

The costs of the application shall be in the cause.

**DATED at KERICHO** this 20<sup>th</sup> Day of **JANUARY**, 2011

**G B M KARIUKI, SC**

**RESIDENCE JUDGE**

**COUNSEL APPEARING**

Mr. J. M. Motanya, Advocate, for the Applicant

Mr. N. Bett, Court clerk