



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT KERICHO**

**MISCELLANEOUS APPLICATION NO. 11 OF 2009(JR)**

**PHILOMENA CHEPKEMOI SERON alias JUSTINA  
RONO.....APPLICANT**

**AND**

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

**THE PRINCIPAL MAGISTRATE, SOTIK.....2<sup>ND</sup>  
RESPONDENT**

**LUCIA CHELANGAT TANGUT.....3<sup>RD</sup>  
RESPONDENT**

**RULING**

In her ex-parte application dated 17/9/2009, the Applicant, **Philomena Chepkemoi Seron alias Justina Rono** seeks under **Order 53** of the **Civil Procedure Rules** leave to apply for an **order of certiorari** to remove into this Court for the purpose of quashing the judgment and decree issued on 12<sup>th</sup> March 2009, by the Principal Magistrate at Sotik in case No. 4 of 2008 and the award of the Sotik Land Disputes Tribunal on the basis which the judgment/decree was issued.

I have perused the Statement of facts and the verifying affidavit filed by the Applicant and have duly considered the same as well as the submissions made by Mr. J. K. Koske, the Learned Counsel for the Applicant. I am satisfied that the Applicant has established sufficient ground for the grant of leave. Accordingly, I allow the application and grant leave to the Applicant to apply to this Court for an

**order of certiorari** to remove into this Court the judgment/decree and the award of the elders as prayed for in the application.

I order that the leave hereby granted shall operate as a stay of the award and the judgment of the Sotik Principal Magistrate Court until the Notice of Motion is heard and determined or until further orders of this Court.

I direct that the Applicant shall pursuant to **Rule 3 of Order 53** of the **Civil Procedure Rules 2010** file in this Court within 21 days a Notice of Motion. I further direct that the Notice of Motion shall be served within 21 days of filing upon the Respondents and all such persons as may be affected by it.

This cause shall be mentioned on 14/3/2011.

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

**G B M KARIUKI, SC**

**RESIDENCE JUDGE**

**COUNSEL APPEARING**

Mr. J. K. Koske, Advocate, for the Applicant

Mr. N. Bett, Court clerk