



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KERICHO

MISCELLANEOUS APPLICATION NO. 1 OF 2011

IN THE MATTER LAND DISPUTE TRIBUNAL ACT (NO.18 OF 1990)

WILLIAM

TUIYA.....APPLICANT

AND

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

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

**CATHERINE CHAMDANY.....3RD
RESPONDENT**

RULING

The Applicant, **William Tuiya**, seeks in his ex parte Chamber Summons application dated 6th January 2011, leave to apply for an **order of certiorari** to remove into this Court for quashing the decree and judgment made on 6/10/2010 and issued on 7/10/2010 by the Resident Magistrate at Kericho in Kericho Chief Magistrate Court Misc. App. No. 6 of 2010. He also seeks stay of the said judgment and decree.

I have perused the ex parte application and the Statement of facts and the verifying affidavit filed by the applicant pursuant **Rule 1 (2) of Order 53** of the **Civil Procedure Rules**. I have also duly considered 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 the leave sought. Accordingly, I allow the application and grant the applicant the leave sought.

I order that the leave herein granted shall operate as a stay of proceedings in the Chief Magistrate Court in case No. 6 of 2010 until the Motion is heard and determined or until further orders.

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

This cause shall be mentioned on 16/3/2010.

The costs of this application shall be in the cause.

DATED at **KERICHO** this 20th 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