



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KERICHO

MISCELLANEOUS APPLICATION NO. 41 OF 2010(JR)

JUDICIAL REVIEW FOR ORDERS OF CERTIORARI

BETWEEN

ZAKAYO M. NGELECHE.....1ST
APPLICANT

KINABO A. BALIACH..... 2ND
APPLICANT

VS.

THE CHAIRMAN CHEMANER LAND DISPUTES TRIBUNAL.....1ST
RESPONDENT

THE PRINCIPAL MAGISTRATE, KERICHO.....2ND
RESPONDENT

KIPKORIR A. BALIACH.....3RD
RESPONDENT

RULING

The applicants, messrs **Zakayo M. Ngeteche** and **Kainabo A. Baliach**, seek leave in their Chamber Summons application dated 18/11/2010 to apply for an **order of certiorari** to remove into this Court for quashing the 2nd Respondent's order dated 23rd September 2010 made in Kericho C.M Court misc. application No.72 of 2010 pursuant to an award made by the 1st Respondent.

I have perused the application and the Statement and the verifying affidavit filed by the applicants pursuant to **Order 53** of the **Civil Procedure Rules**, and I am satisfied that the applicants have established sufficient grounds for the leave they seek. Accordingly, I grant the applicants leave to apply for an **order of certiorari** as prayed. I direct that the applicants shall, pursuant to **Rule 3 of Order 53**, file a Notice of Motion within 21 days from the date hereof. I further direct that the Notice of Motion shall be served on the Respondents and all such persons as may be affected by it within 21 days of filing.

The leave herein granted shall operate as a stay of the award and the judgment of the Kericho Chief Magistrate Court entered in Misc.App. No. 72 of 2010 until the Notice of Motion is heard and determined or until further orders.

This cause shall be mentioned on 14/3/2011 at 2.30pm.

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. E.M. Orina, Advocate, for the Applicant

Mr. N. Bett, Court clerk