



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT KERICHO**

**MISCELLANEOUS APPLICATION NO. 6 OF 2011(JR)**

**JOSEPH MARITIM.....  
.....APPLICANT**

**VS.**

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

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

**WILLIAM KIPRUTO MAINA.....3<sup>RD</sup>  
RESPONDENT**

**RULING**

I have perused the Chamber Summons application dated 2/2/2011 seeking leave to apply for an **order of certiorari** to bring into this Court for quashing the order dated 31/1/2011 made by the 2<sup>nd</sup> Respondent herein, namely, the Chief Magistrate Court at Kericho in Kericho Chief Magistrate Court Misc. Civil application No. 102 of 2010 pursuant to an award dated 4/11/2010 made by the 1<sup>st</sup> Respondent, Ndanai Land Disputes Tribunal. I have also considered the submissions made by Mr. E.M. Orina, learned Counsel for the applicant. I am satisfied that the applicant has shown sufficient basis for the grant of the leave sought.

Accordingly, pursuant to **Rule 1 of Order 53 of the Civil Procedure Rules 2010** I grant the applicant leave to apply for an **order of certiorari** as prayed for in paragraph (a) of the said application. I order that the leave herein granted shall operate as a stay of the proceedings in the Chief Magistrate Court Misc. Civil application No. 102 of 2010 and the award dated 4<sup>th</sup> November 2010 made by the 1<sup>st</sup> Respondent until further orders of this Court or until the Notice of Motion hereinafter directed to be filed is heard and disposed of. In the event that the Notice of Motion is not filed as hereinafter directed, this order for stay shall lapse after the expiry of the period by which time the Motion should be filed.

Pursuant to **Rule 3 of Order 53 of the Civil Procedure Rules 2010**, I order that the Applicant shall file a Notice of Motion within 14 days of today and shall serve the same within 21 days of filing upon the Respondents and all such persons as may be affected by it.

The Motion, if filed, shall be mentioned on 7/6/2011 at 9.00am.

**DATED at KERICHO this 16<sup>th</sup> Day of FEBRUARY, 2011**

**G B M KARIUKI, SC**

**RESIDENCE JUDGE**

**COUNSEL APPEARING**

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

Mr. R. Koech, Court clerk