



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**JUDICIAL REVIEW DIVISION**

**JR ELC MISCELLANEOUS APPLICATION NO. 65 OF 2010**

**RWAIKAMBA & RWAITHIA TRADING COMPANY .....APPLICANT**

**VERSUS**

**TOWN CLERK .....RESPONDENT  
CITY COUNCIL OF NAIROBI**

**RULING**

When this matter came before me for further directions on 19<sup>th</sup> October, 2011 counsel for the Applicant asked me to allow the application as prayed in that although the Respondent had appointed an advocate no papers had been filed by the said advocate. Counsel for the Applicant also hinted that the matter may have been compromised and that is why the Respondent has not shown any interest.

I have now perused the court file and find that the Applicant wants the Respondent stopped from collecting rent for certain houses. If indeed the matter has been settled by consent then the Applicant can withdraw these proceedings. In my view, this case needs to be addressed through a Judgment and not by just allowing the application as prayed. I will therefore give directions as follows:-

1. That the Applicant be at liberty to withdraw the proceedings.
2. If the Applicant does not wish to withdraw these proceedings then I

direct that the Applicant takes a date for highlighting of its submissions and notify the Respondent of such a date.

Dated, signed and delivered at Nairobi this 10<sup>th</sup> day of November, 2011

**W. K. KORIR**  
**JUDGE**