

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI (NAIROBI LAW COURTS)

Miscellaneous Application 581 of 2007

ALICE MUTHONI CHEGE. APPLICANT

VERSUS

TOWN CLERK, CITY COUNCIL OF NAIROBI.RESPONDENT

DANIEL MARENGA GACHENGA. INTERESTED PARTY

R U L I N G

The application before the court is the Notice of Motion dated 11th October, 2007. The motion is one brought under Order 53 of the Civil Procedure Rules, which is a special procedure.

I have given the application a quick perusal and the impression I get is that the application requires full evidence from the parties relevant to it. That is to say that the earlier method for disposal of the application through written submissions only, before concrete evidence is recorded and tested through cross-examination, will not suffice.

I accordingly recommend that the parties attend the Registry to fix the application seeking the order of mandamus, for a hearing before a judge in the relevant Division. Orders accordingly.

Dated and delivered at Nairobi this 7th day of April 2010.

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D A ONYANCHA

JUDGE