



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (MILIMANI LAW COURTS)
JUDICIAL REVIEW MISCELLANEOUS CIVIL APPLICATION NO. 382 OF 2009

AND

IN THE MATTER OF THE ADVOCATES ACT, CAP 16, LAWS OF KENYA

AND

**IN THE MATTER OF AN APPLICATION BY KAMAU JOHN KINYANJUI FOR LEAVE TO
APPLY FOR ORDERS OF PROHIBITIONS, CERTIORARI AND MANDAMUS**

KAMAU JOHN KINYANJUI..... APPLICANT

V E R S U S

THE DISCIPLINARY COMMITTEE..... RESPONDENT

R U L I N G

This is a Chamber Summons dated 22nd June, 2009 filed by the applicant in person. It is an application for leave to file judicial review proceedings, as well as a request that leave operate as a stay. The applicant has been an advocate of the High Court, and was purportedly convicted by the respondent on 25th August, 2008 – on purported professional misconduct.

I ordered that the application be served for inter-partes hearing. I was told that the same was served but the respondent neither entered appearance nor appeared in court for the hearing. The applicant, in person, made submissions before me.

Having considered the application, documents filed and submissions of the applicant, I am of the view that the applicant has demonstrated an arguable case. I will grant leave.

I also consider that stay is justified, but only to the extent of transmitting the decision to the Chief Justice, since this is something that is intended to be pushed for prohibition.

Consequently, I order as follows-

1. Leave is granted to the applicant to file judicial review proceedings for certiorari, prohibition and mandamus. The Notice of Motion will be filed and served within 15 days from today.

2. The leave above will operate as a stay of any intended action transmit the decision of the respondent to the Chief Justice, till the determination of the Notice of Motion to be filed provided the Notice of Motion is filed and served within 15 days, otherwise the stay will automatically lapse.

3. Costs will follow decision in the Notice of Motion.

Dated and delivered at Nairobi this 20th day of July, 2009.

George Dulu

Judge.