



IN THE HIGH COURT OF KENYA AT NYERI

Misc Civ Appli 28 of 2005  
AND

IN THE MATTER OF AN APPLICATION FOR JUDICIAL REVIEW  
AND  
IN THE MATTER OF NYERI C.M. AWARD CASE NO. 1 OF 2004

EDWARD MWANGI WACHIRA.....RESPONDENT/APPLICANT

Versus

JOHN KIRITU MWENJE )  
STEPHEN CHEGE MUNYIRI).....APPLICANTS/RESPONDENTS  
JAMES KAMAU MURIUKI )

RULING

Notice of Motion dated 20th May, 2005 seeking to vacate/set aside the orders granted by this court to the Respondent for leave to file an application for judicial review. The orders were granted on 4th April 2005 and the Notice of Motion herein dated 20th May 2005 is filed on the ground that the requested application for judicial review has not yet been filed.

That Notice of Motion is opposed by the Respondent whose counsel, Mr. Wahome Gikonyo, produced undisputed evidence during the hearing that the requested application for judicial review was filed two days from the date leave was granted. It is this court's Civil Misc. Application No. 37 of 2005 filed on 6th April 2005.

Court Registry staff who handled the Applicant at the Registry should have drawn his attention to the existence of Civil Misc. Application No. 37 of 2005 and advised him against filing the Notice of Motion dated 20th May 2005. The Registry staff should also have kept these two case files moving together and from now on the two case files No. 28/2005 and No. 37/2005 both Civil Misc. Applications, be kept together always.

Any other cases of same kind be similarly handled to avoid repeating the mistake done here. Meanwhile

Notice of Motion dated 20th May 2005 in Civil Misc. Application No. 28/2005 is hereby dismissed with no order as to costs.

*Dated this 2nd day of June 2005.*

**J. M. KHAMONI**  
**JUDGE**