



Republic v Law Society of Kenya & 2 others; Njuguna (Exparte Applicant) (Judicial Review Application E065 of 2025) [2025] KEHC 3621 (KLR) (Judicial Review) (24 March 2025) (Ruling)

Neutral citation: [2025] KEHC 3621 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
JUDICIAL REVIEW
JUDICIAL REVIEW APPLICATION E065 OF 2025
RE ABURILI, J
MARCH 24, 2025**

BETWEEN

REPUBLIC APPLICANT

AND

LAW SOCIETY OF KENYA 1ST RESPONDENT

THE DISCIPLINARY TRIBUNAL 2ND RESPONDENT

JOSEPH MUMO KIVAI 3RD RESPONDENT

AND

PAUL CHUCHU NJUGUNA EXPARTE APPLICANT

RULING

1. The application dated 18/3/2025 was filed under certificate of urgency. On 19/3/2025 this court did not certify it as urgent and directed the applicant to serve the Respondents' forthwith for inter partes directions today.
2. The applicant has served all the parties and 3rd Respondent is represented in court seeking time to file a replying affidavit. He has filed grounds of opposition contending that he was wrongly joined to these proceedings as the complainant is the company.
3. The applicant seeks for interim stay as the applicant is scheduled to take plea before the 2nd Respondent this morning, which will render the application for leave nugatory.
4. The 3rd Respondent contends that no prejudice will be occasioned if plea is taken. I have considered the arguments for and against stay of taking plea. I am satisfied that at this leave stage, the applicant has served all other parties who are now aware of this case and the 3rd Respondent is represented in court.



5. The issues of misjoinder will be dealt with at the time of arguing the merits of the application. However, as the applicant is before court and has explained that if plea is taken then the purpose of the application will be spent, I hereby exercise discretion and order that the plea which is scheduled to be taken today by the applicant is stayed until the application for leave is heard and determined on its merit.
6. The Respondents have 7 days of today to file and serve their responses to the application for leave. The applicant shall have 7 days of the date of service to file and serve further affidavit.
7. The application for leave shall be heard orally on 8th April, 2025.

DATED, SIGNED AND DELIVERED AT NAIROBI VIRTUALLY THIS 24TH DAY OF MARCH, 2025

R.E. ABURILI

JUDGE

