



**Ratemo v Senate (Petition 001 of 2024) [2024] KEHC 3901 (KLR) (22 April 2024) (Directions)**

Neutral citation: [2024] KEHC 3901 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NYAMIRA  
PETITION 001 OF 2024  
WA OKWANY, J  
APRIL 22, 2024**

**BETWEEN**

**JARED MAIRURA RATEMO ..... PETITIONER**

**AND**

**SENATE ..... RESPONDENT**

**DIRECTIONS**

1. I have carefully considered the submissions and proposals, by Counsel, over the issue of consolidation of all the Petitions that have so far been filed to challenge the impeachment of the Kisii County Deputy Governor.
2. I have perused the proceedings that preceded the issuance of the directions, by the Principal Judge at Nairobi on 4<sup>th</sup> April 2024, and I note that none of the parties herein applied for the consolidation of the related suits. This means that the Principal Judge issued the said orders suo moto.
3. I also note that when Machakos Petition E007 of 2024 was mentioned before the Principal Judge in Nairobi on 9<sup>th</sup> April 2024, directions were issued that the said Petition be heard alongside the other related Petitions.
4. While the Presiding Judge was within his mandate to direct that all the related Petitions be heard together, the immediate consolidation of the said Petitions has not been possible due to the several hurdles that the Presiding Judge may not have foreseen at the time he issued the directions. I note that each of the Petition has peculiar, but serious preliminary issues that this court has to iron out or address before the Petitions can finally be consolidated. For instance, the interim orders issued in Machakos Petition E007 of 2024 have been challenged through an application seeking to set them aside, a matter which this court has to determine on expeditiously. Machakos E006 of 2024 was dogged with the issue of withdrawal and this court has today delivered a ruling marking the Petition as withdrawn. The court has also been informed that Kisii Petition E004 of 2024 has live proceedings before the said court and is pending a ruling.



5. My view is that while it is desirable to have all the Petitions consolidated and heard together in order to save on the scarce judicial time, the consolidation may not be possible at the moment in view of the fact that some of the files (Kisii Petitions) are yet to be availed before this court. Furthermore, some of the parties have indicated that they intend to challenge the order for consolidation. Parties have also informed the court that they have been unable to file pleadings in the Petitions due to the confusion in mapping on the e-filing platform (CTS) due to the manner in which the files have been moving from one court to the other at different times.
6. For the above reasons, and taking into account the fact that some of the Petitions have applications that were filed under Certificate of Urgency, I will issue the following directions in order to facilitate the efficient and just resolution of the disputes: -
  - a. All the files that were transferred to this court by the Principal Judge will be registered at the registry under different/separate numbers to be relayed to the parties.
  - b. Parties shall file and exchange pleadings/responses and submissions in respect to all the pending applications before the next mention date.
  - c. The Petitions and all the interlocutory applications arising therefrom shall be heard separately until such a time that it shall be possible to have their proper consolidation.
  - d. Petition No. E001 of 2024 (Nyamira) is hereby marked as closed following its withdrawal.
  - e. Mention on 15/5/2024 at 2pm for further directions.
7. Orders accordingly.

**RULING DATED, SIGNED AND DELIVERED VIRTUALLY AT NYAMIRA VIDE MICROSOFT TEAMS THIS 22<sup>ND</sup> DAY OF APRIL 2024.**

**W. A. OKWANY**

**JUDGE**

