



**Luka v Maasai Mara University (Constitutional Petition
E014 of 2023) [2024] KEHC 12244 (KLR) (4 October 2024) (Ruling)**

Neutral citation: [2024] KEHC 12244 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAROK
CONSTITUTIONAL PETITION E014 OF 2023**

F GIKONYO, J

OCTOBER 4, 2024

BETWEEN

JIMMY PARNYUMBA LUKA APPLICANT

AND

MAASAI MARA UNIVERSITY RESPONDENT

RULING

Hearing Petition rather than Application

1. The application dated November 20, 2023, seeks for provision of documents and information on matters forming the basis of the complaints in the petition. It also seeks for a mandatory injunction to compel the 4th -8th respondents to investigate matters complained of in the petition.
2. Although the orders sought in the application dated November 20, 2023 are stated to be interlocutory, they have the potentiality of compromising the petition as they are materially and inextricably connected to or are the main reliefs in the petition, making a case for pursuit of the petition rather than the application, and have the rights of the parties determined completely.
3. The tenuous link between the application and the petition makes their severability almost impossible. Therefore, it is appropriate to hear the petition, except, parties should also address the request for information and documents under article 35 of the *Constitution*. The court so directs.
4. The court has also noted that parties filed composite submissions- combining the application and the petition- prompting these directions which will achieve expeditious disposal of the suit as well as save the court from tedious work in trying to disentangle the point or points which may fit only the application; an exercise that cannot be done except with the danger of prejudicial comments on the petition which raises serious issues for trial.



5. These directions are issued on the basis of the nature of the prayers sought in the application and the petition.

DATED AND DELIVERED AT NAROK THROUGH MICROSOFT TEAMS ONLINE APPLICATION THIS 4TH DAY OF OCTOBER, 2024.

HON. F. GIKONYO M

JUDGE

In the presence of: -

Petitioner- Luka Parnyumbe

Makokha for the 1st respondent

Amojong for EACC

Otolo C/A

