



**Kimani v Kenya School of Law (Miscellaneous Case E456 of 2021)
[2023] KEHC 18767 (KLR) (Civ) (3 May 2023) (Ruling)**

Neutral citation: [2023] KEHC 18767 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

CIVIL

MISCELLANEOUS CASE E456 OF 2021

DO CHEPKWONY, J

MAY 3, 2023

BETWEEN

LEON KAMAU KIMANI APPLICANT

AND

KENYA SCHOOL OF LAW RESPONDENT

RULING

1. This matter was scheduled for ruling of the Appellant/Applicant's Notice of Motion application dated September 14, 2021 on May 3, 2022. The application was seeking the following orders;
 - a. Spent;
 - b. That there be stay of execution of the Judgment delivered on August 20, 2021 and any consequent decree thereon pending the hearing and determination of the application herein.
 - c. That there be stay of execution of the Judgment delivered on August 20, 2021 and any consequent decree thereon pending the hearing and determination of the intended appeal to the High Court.
 - d. That costs of this application be in the appeal.
2. The application was anchored on the grounds on its face and further supported by the annexed affidavit sworn by Fredrick Muhia on even date.
3. Before this court could render a ruling on the application dated September 14, 2021, the Respondent/Applicant filed an application under Certificate of Urgency dated April 13, 2022 seeking the following orders;
 - a. Spent;



- b. That the Honourable Court be pleased to arrest its ruling scheduled on May 3, 2022 as the same will have been overtaken by events.
 - c. That the Honourable Court be pleased to issue a date before May 3, 2022 for hearing of this application.
 - d. That any other order the court may deem fit to grant in the circumstances.
4. The application is supported by the grounds on its face and further by the annexed Supporting Affidavit sworn by Leon Kamau Kimani on even date.
 5. Directions on the application were issued on April 14, 2022 and the matter came up before me on April 27, 2022 for purposes of taking directions in regard to the application dated April 13, 2022.
 6. When the matter came up for mention on April 27, 2022, the Respondent submitted that the application is seeking to arrest the delivery of the ruling scheduled for May 3, 2022 since circumstances had changed. He submitted that he had been admitted in the school. There was however no appearance for the Appellant.
 7. Upon perusal of the Respondent's application dated April 13, 2022 and the annexures attached to the Supporting Affidavit, It is noted that there is indeed an admission letter for Kimani Leon Kamau dated April 8, 2022 and evidence of payment of tuition fees.
 8. The Appellant having admitted the Respondent into the institution, this Court will agree with the Respondent that this appeal is spent as the subject matter has been overtaken by events.
 9. In the end, the court finds and holds that following the turn of events, this matter is compromised and the application dated September 14, 2021 stands moot.
 10. Accordingly, this matter is marked as settled with no orders as to costs.

It is so ordered.

RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT KIAMBU THIS 3RD DAY OF MAY 2023.

D.O CHEPKWONY

JUDGE

In the presence of:

No appearance for and by the Plaintiff/Applicant

No appearance for and by the Defendant/Respondent

Court Assistant – Martin/Simon

