



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
JUDICIAL REVIEW MISC. APPLICATION NO. 130 OF 2018

BETWEEN

ATTORNEY GENERAL.....APPLICANT

VERSUS

KENNETH STANLEY MATIBA.....RESPONDENT

RULING

1. This matter was coming up for ruling today on an application filed by Mr. John Mbau Mburu, the proposed Respondent, by way of a Notice of Motion dated 3rd June 2020, seeking to set aside the directions given herein on 5th May 2020 and that I recuse myself from hearing this matter. Also pending ruling was an application filed by the personal representatives of the Respondent by way of Chamber Summons dated 14th February 2020, for the substitution of the Respondent, and a Notice of Motion application dated 2nd December 2019 filed by the Applicant, that seeks orders that this Court sets aside the proceedings of 29th July 2019 and consequential orders, and reinstates the Applicant's reference for hearing.

2. Upon perusal of the Court record, my attention has been drawn to a consent entered into by the parties herein dated and signed on 2nd July 2020 by the Advocates for the Attorney General, the Advocate for the Administrators of the Estate of the Respondent, and the Proposed Respondent. The consent is to the effect that this matter be marked as fully and finally settled with no order as to costs, that all processes currently pending are withdrawn, and that the file is marked as closed.

3. In the premises, I hereby order as follows:

i. The consent dated 2nd July 2020, duly executed by the Advocates on record for the Applicant, the Administrators of the Estate of the Respondent and the Proposed Respondent, be and is hereby adopted as an order of this Court.

ii. The application filed by Mr. John Mbau Mburu, the proposed Respondent, by way of a Notice of Motion dated 3rd June 2020, be and is hereby accordingly marked as withdrawn with no order as to costs.

iii. The application filed by the personal representatives of the Respondent by way of Chamber Summons dated 14th February 2020, be and is hereby accordingly marked as withdrawn with no order as to costs.

iv. The Notice of Motion application dated 2nd December 2019 filed by the Applicant, be and is hereby accordingly marked as withdrawn with no order as to costs

v. This suit is accordingly marked as settled with no orders as to costs, and this case is marked as closed.

vi. The Deputy Registrar of the Judicial Review Division shall send a copy of this ruling to the Applicant, Administrators of the Estate of the Respondent and Proposed Respondent by electronic mail by close of business on Monday, 6th July 2020.

Orders accordingly.

DATED AND SIGNED AT NAIROBI THIS 6TH DAY OF JULY 2020

P. NYAMWEYA

JUDGE

FURTHER ORDERS ON THE MODE OF DELIVERY OF THIS RULING

In light of the declaration of measures restricting Court operations due to the COVID -19 Pandemic, and following the Practice Directions issued by the Honourable Chief Justice dated 17th March 2020 and published in the Kenya Gazette on 17th April 2020 as Kenya Gazette Notice No. 3137, this ruling will be delivered electronically by transmission to the email addresses of the advocates on record for the Applicant, Administrators of the Estate of the Respondent, and Proposed Respondent, by close of business on 6th July 2020.

P. NYAMWEYA

JUDGE