



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

JUDICIAL REVIEW APPLICATION NO. 269 OF 2018

BETWEEN

REPUBLIC..... APPLICANT

VERSUS

CAPITAL MARKETS AUTHORITY...RESPONDENT

EX PARTE APPLICANT: MUNIR SHEIKH AHMED

RULING NO 2.

1. On 6th October 2020 Hon. Mr. Justice Mativo delivered a ruling on the Respondent's Notice of Motion application dated 2nd October 2020, and directed that the said application be served for *inter partes* hearing orally via video link on 2nd November 2020 at 10:30am. The *ex parte* Applicant/ Respondent herein was also required to file his reply to the application within 15 days from the date of being served.

2. The Respondent's Advocate has now filed another certificate of urgency dated 13th October 2020 supported by an affidavit, in which he states that the *ex parte* Applicant by letter dated 9th October 2020 has threatened to execute against the Respondent in the event that he does not receive the taxed costs by 14th October 2020. Therefore, that it is in the interests of justice that the application dated 2nd October 2020 is certified urgent and placed before the Court at the earliest possible opportunity, so that the subject matter of the suit is preserved and any orders eventually given by this Court are not rendered nugatory. The Respondent annexed a copy of the said letter.

3. As Hon. Mr. Justice Mativo is on transfer from this Division with effect from 1st November 2020, I hereby direct as follows:

I. The Respondent's Notice of Motion application dated 2nd October 2020 is certified urgent.

II. The Respondent shall comply with the directions given by Hon. Mr. Justice Mativo on 6th October 2020 that have not been varied in this ruling.

III. Temporary orders staying the execution of the ruling and orders of the Deputy Registrar on 11th August 2020 are granted, until and pending the hearing of the Notice of Motion application dated 2nd October 2020 on 10th November 2020 at 10.30 am by video link by the incoming Judge.

IV. The hearing date of 2nd November 2020 is hereby vacated.

V. The Deputy Registrar of the Judicial Review Division shall send a copy of these directions to the *ex parte* Applicant and Respondent by electronic mail by close of business on Thursday, 15th October 2020.

VI. The Deputy Registrar of the Judicial Review Division shall put this matter on the Division's causelist for virtual hearing on 10th November 2020 at 10.30 am, and shall send the parties with an electronic link for the hearing by close of business on 9th November 2020.

VII. Parties shall be at liberty to apply.

4. Orders accordingly.

DATED AND SIGNED AT NAIROBI THIS 14TH DAY OF OCTOBER 2020

P. NYAMWEYA

JUDGE