



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

JUDICIAL REVIEW APPLICATION NO. MISC. E049 OF 2020

STONE CONTRACTORS LIMITED.....APPLICANT

VERSUS

THE REGISTRAR OF COMPANIESRESPONDENT

RULING

1. The Applicant herein has filed an application by way of a Chamber Summons dated 12th October 2020, seeking the following orders :

1. **THAT the matter be certified as urgent;**
2. **THAT the Notice to the Registrar be dispensed with in the first instant;**
3. **THAT the court be pleased to grant leave to apply for Judicial Review;**
4. **THAT the grant of leave to operate as a stay of the decision of the Registrar of Companies**
5. **THAT the costs of this application.**

2. The said application is supported by a supporting affidavit and verifying affidavit both sworn on 12th October 2020 by Joseph Kingwagu Saffary , the *ex parte* Applicant's Managing Director.

3. I note that leave is being sought with respect to judicial review, and no specific judicial review orders are indicated in the application. This Court is accordingly not in a position to determine if such leave is justified. Order 53 Rule 1(1) and (2) in this respect envisages the specific relief sought by a party to be indicated in an application for leave, and provides as follows:

“(1) No application for an order of mandamus, prohibition or certiorari shall be made unless leave therefor has been granted in accordance with this rule.

(2) An application for such leave as aforesaid shall be made *ex parte* to a judge in chambers, and shall be accompanied by a statement setting out the name and description of the applicant, the relief sought, and the grounds on which it is sought, and by affidavits verifying the facts relied on.”

4. In addition, I also note that the Applicant's application is not supported by a statement as required by Order 53 Rule1 of the Civil Procedure Rules, and is therefore incompetently filed.

5. In the circumstances, I hereby direct and order as follows:

I. The Applicant's Chamber Summons dated 12th October 2020, is hereby struck out for being incompetently filed.

II. There shall be no order as to costs.

6. Orders accordingly.

DATED AND SIGNED AT NAIROBI THIS 15TH DAY OF OCTOBER 2020

P. NYAMWEYA

JUDGE