



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

CONSTITUTIONAL PETITION NO. 321 OF 2019

BETWEEN

VIOLET OMBAKA OTIENO AND 12 OTHERS...PETITIONERS

VERSUS

MOI UNIVERSITY.....RESPONDENT

RULING

1. This matter was coming up today for ruling on the Respondent's reference by way of Chamber Summons dated 4<sup>th</sup> March 2020, seeking to set aside a taxation ruling delivered by the Taxing Officer on 20<sup>th</sup> February 2020 on the Petitioners' Party and Party Bill of Costs.
2. The Petitioners filed a response to the said application which appears to be in the nature of submissions dated 25<sup>th</sup> March 2020, while the Respondents filed submissions thereon on 8<sup>th</sup> June 2020.
3. At the time of reserving ruling this Court inadvertently overlooked the fact that the Judiciary's e-filing system permits this Court's access to pleadings filed in the Judicial Review Division of the Nairobi Milimani Law Courts only, and not those filed in any other Division in Nairobi Milimani Law Courts or other High Court Station. I am therefore unable to access any pleadings filed by the parties in the Constitutional and Human Rights Division where the Petition herein was filed.
4. It is thus not possible to finalise the pending ruling herein without such access, as there may be pleadings filed by the parties in the e-filing portal that the Court may need to be aware of.
5. In the premises, I hereby direct and order as follows:

**I. The Respondent's Chamber Summons dated 4<sup>th</sup> March 2020 shall be placed before the Presiding Judge of the Constitutional and Human Rights Division on 29<sup>th</sup> October 2020 for directions.**

**II. The Deputy Registrar of the Judicial Review Division shall send a copy of this ruling to the Petitioner and Respondent by electronic mail by close of business on Thursday, 22<sup>nd</sup> October 2020.**

**III. Parties shall be at liberty to apply.**

6. Orders accordingly.

**DATED, SIGNED AND DELIVERED AT NAIROBI THIS 15<sup>TH</sup> DAY OF OCTOBER 2020**

**P. NYAMWEYA**

**JUDGE**