



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA

AT KERICHO

CIVIL MISC. APPL. NO. 44 OF 2010(JR)

JAMES TALAMAPPLICANT
AND
WESLEY RUTTO1ST RESPONDENT
THE CHAIRMAN BELGUT LAND
DISPUTE TRIBUNAL2ND RESPONDENT
THE SENIOR PRINCIPAL MAGISTRATE'S
COURT AT KERICHO3RD RESPONDENT

RULING

In his ex parte Chamber Summons application dated 21st February, 2011 the Applicant, James Talam, seeks leave (**under Rule 1 (1) of Order 53 of the Civil Procedure Rules 2011**) to remove into this court for quashing the undated decision of the 2nd Respondent, Belgut Land Disputes Tribunal, affecting land title **No. Kericho/Kapsuser/988** and the decision of the 3rd Respondent dated 13th September, 2010 made in the S.P.M.C. Misc. App. No. 73 of 2010.

I have perused the said application and the Statement of Facts and the Verifying Affidavit filed contemporaneously with the application for leave. I have also considered the submissions made on 22nd February, 2011 by Mr. J.K. Kirui, learned counsel for the Applicant.

I am satisfied that the Applicant has shown sufficient grounds for the grant of leave to apply for the orders of certiorari.

Accordingly, and pursuant to **Rule 1(1) of Order 53 of the Civil Procedure Rules**, I allow the application and grant the Applicant leave to apply to this court for an order of certiorari to quash the orders and/or decisions referred to in prayer 1(a) and 1(b) of the said application.

Pursuant to **Rule 3(1) of Order 53 of the Civil Procedure Rules**, I direct that the Notice of Motion shall be filed (by the Applicant) within twenty one (21) days from the date hereof and shall be served within fourteen (14) days of filing upon the Respondents and all those who may be affected by it.

The notice of Motion shall be mentioned on 6th June, 2010 at 9.00a.m. I direct that Seven (7) days before the mention on 6th June, 2010, the Applicant shall file an affidavit stating the names of those served with the notice of Motion and the dates and places of service and if any person who ought to be served will not have been served, the affidavit shall state the name/s of such person/s and the reasons for failure to serve.

The leave herein granted shall operate as a stay of the decision of Belgut Land Disputes Tribunal and the decision of the 3rd Respondent in Misc. Civil App. No. 73 of 2010.

The costs of this application shall be costs in the Notice of Motion to be filed.

DATED at KERICHO this 2nd day of March, 2011

G.B.M. KARIUKI,sc
RESIDENT JUDGE

COUNSEL APPEARING

Mr. J.K. Kirui Advocate for the Applicant.

Respondents in person

Court Clerk- Mr. Bett