



**REPUBLIC OF KENYA**

**IN THE HIGH COURT**

**AT EMBU**

**Judicial Review 32 of 2009**

**RUGANO NTHIGA.....APPLICANT**

**VERSUS**

**THE HON. A. GENERAL.....1<sup>ST</sup> RESPONDENT**

**CHAIRMAN L.D. TRIBUNAL.....2<sup>ND</sup> RESPONDENT**

**P.M. KERUGOYA.....3<sup>RD</sup> RESPONDENT**

**RULING**

The chamber summons dated 15/6/2009 is all mixed up. I have gone through the documents filed herein and they leave a lot to be desired. Firstly, Mr. Mugo for applicant filed a notice to the Registrar as required law dated 25/5/2009. The same is supported by the receipt No. 2189411 dated 26/5/2009 which is the evidence of the filing. On 4/6/2009, he wrote to court and withdrew the same but did not file another notice. His application therefore fails to meet the provisions of Order 53 Rule 1 (3) of the Civil Procedure Rules. The application also totally fails to meet the intituling criteria as set out in the case of *Farmers Bus Service and others –v- The Transport Licencing Appeal Tribunal (Civil Appeal No. 63 of 1959.)*

He should also have cited the substantive law that provides for prerogative orders-i.e. Section 8 and 9 of Cap. 26. This application is fatally defective and irredeemably so. It is therefore struck out with no order as to costs.

**W. KARANJA**

**JUDGE**

Delivered, signed and dated at Embu this 2nd day of Nov 2009.

**In presence of:- Ex-parte applicant- Rugano Nthiga**

**N/A for interested party.**