

REPUBLIC OF KENYA

IN THE COURT OF APPEAL

AT NAIROBI

(CORAM: OWUOR, J.A (IN CHAMBERS))

CIVIL APPLICATION NO. NAI. 163 OF 1999 (UR. 62/99)

BETWEEN

MOSES KIPNGETICH KURGATAPPLICANT

AND

THE DISCIPLINARY COMMITTEE

OF THE LAW SOCIETYRESPONDENT

**(Application for stay of execution in an intended appeal
from the ruling and order of the High Court of Kenya
at Nairobi (Hon. Justice Aluoch) dated 3rd June,**

1999

in

H.C.Misc. Application No. 796 of 1997)

R U L I N G

The applicant, Moses Kipngetich Kurgat is an advocate of the High Court of Kenya. On 2nd day of July, 1999 he filed this application under **rule 47** of the Rules of this Court seeking that his application be set down for hearing as a matter of urgency. The ground upon which he sought the order being that the superior court by a ruling delivered by Aluoch, J. had issued orders which if executed;

"the applicant will be occasioned serious irreparable erosion of his professional credibility and which action shall cause unfathomable damage and this application and the intended appeal will be rendered nugatory".

The ruling he alludes to had the effect of, if not stayed confirming his suspension from the roll of advocates as decided by the Disciplinary Committee of the Law Society of Kenya on the 22nd day of August, 1997.

I did not grant the certificate of urgency mainly on the ground that the copy of the record placed before me at the first instance were undated and uncertified. I have been addressed by both counsel as to why I should or should not exercise my discretion in favour of the applicant.

Upon perusal of the record of the application and considering the submission of counsel on the limited issue of whether or not the application is urgent, I am satisfied that the same is urgent and there are important issues emanating from the application. In that regard I will exercise my discretion in favour of the applicant and order that the application be fixed for hearing before the full Court urgently. Costs in the application.

Dated and delivered at Nairobi this 3rd day of August, 1998.

E. OWUOR

JUDGE OF APPEAL

I certify that this is a true copy of the original.

DEPUTY REGISTRAR