

REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI
CIVIL DIVISION
CIVIL SUIT NO. 080 OF 2024

MARIA EMMA KUKU GALLMANN.....1ST

PLAINTIFF

*(Suing through Sveva Makena Galimann
(Her Daughter As The next Of Friend And Guardian)*

SVEVA MAKENA GALLMANN2ND

PLAINTIFF

VERSUS

DR. RAJEEV D. GANDHI1ST

DEFENDANT

DR. SALIM HASSAN ALI.....2ND

DEFENDANT

DR. NADEEM SHEIKH.....3RD

DEFENDANT

DR. ROSHNI AJMERA.....4TH

DEFENDANT

THE AGAKHAN UNIVERSITY HOSPITAL.....5TH

DEFENDANT

RULING

1. There are two applications before the court for determination.

The **first application is dated 3/02/2025** brought by the 2nd Defendant, Dr. Salim Hassan Ali. The Applicant seeks orders to

stay proceedings in this case pending determination of his Appeal by the Civil Division from the decision of the Kenya Medical Practitioners and Dentists Council vide HCCA. No. 1330 of 2023 challenging the disciplinary ruling dated 9/11/2023.

2. The second application is dated 3/06/2025. The 5th Respondent's (the Agakhan University Hospital) Advocates on record seek leave of court to cease from acting for the client the 5th Defendant for what it states to be lack of instructions.
3. I have perused the Judiciary Case Tracking System (CTS). The law firm of NBMA Advocates LLP have already come on record for the 5th Respondent and has duly filed a **Notice of Change of Advocates dated 29/07/2025** from its previous advocates Ms. Majanja Lucano & Co. Advocates pursuant to provisions of **Order 9 Rule 9** of the **Civil Procedure Rules**.
4. **To that extent, therefore the application dated 3/06/2025 is resolved.**
5. The **motion dated 3/02/2025** was filed early this year before the Civil Appellate Division was established for hearing of Civil Appeals from Tribunals Commissions quasi-judicial agencies and from the Subordinate Courts.
6. The Applicants Appeal vide HCCA No. 1330 of 2023 arose from a ruling from disciplinary proceedings in Dr. Salim Hassan Ali v. Kenya Medical Practitioners and Dentists Council and others. It is pending for hearing, in the High Court Civil Division.

For the stated reason and by dint of the Civil Appellate Division now in full operation, the appeal is therefore transferred to the Civil Appellate Division for hearing and determination.

7. The application for stay of proceedings dated 3/02/2025 is likewise rerouted to the said Civil Appellate Division for hearing and determination.

Delivered Dated and Signed at Nairobi this 30th day of October, 2025.

.....

JANET MULWA.

JUDGE