



REPUBLIC OF KENYA



**Kigia v Judiciary Mediation Accreditation Committee (Miscellaneous Application E123 of 2024) [2026] KEHC 421 (KLR) (22 January 2026) (Ruling)**

Neutral citation: [2026] KEHC 421 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT MERU  
MISCELLANEOUS APPLICATION E123 OF 2024  
HM NYAGA, J  
JANUARY 22, 2026**

**BETWEEN**

**MICHAEL KUNGU KIGIA ..... APPLICANT**

**AND**

**THE JUDICIARY MEDIATION ACCREDITATION  
COMMITTEE ..... RESPONDENT**

**RULING**

1. Vide a Notice of Motion dated 4<sup>th</sup> March ,2024, the applicant prays that:
  - a. This matter be heard ex-parte.
  - b. That the court set aside the ruling issued on the 10<sup>th</sup> December 2021, by the respondents.
  - c. That the court issues an alternative order of review on the ruling issued on the 10<sup>th</sup> December 2021 by the respondent as the same was produced by the Director of Public Prosecution in criminal cause No. E011/2023.
  - d. That the costs of this application be condemned upon the respondent.
2. The Application is premised on the grounds on its face and supported by an affidavit sworn by the applicant sworn on the 4<sup>th</sup> of March 2024.
3. The application and the affidavit are written in a verbose and disjointed manner. Nevertheless, I have been able to discern what the applicant's case is all about.
4. The applicant deposes that he has been properly trained and qualified in mediation. He adduced what he termed as a recommendation letter from the Chief Justice of Kenya and a certificate showing he has qualified as a professional mediator.



5. He further deposes that upon assessment of his application, the respondent granted him a provisional accreditation and required him to attend a mentorship program before full accreditation could be conferred. As such he was assigned number MAC/2019-471.
6. The applicant further states that prior to the conclusion of the mentorship, a complaint was lodged against him by the chairperson of the Law society of Kenya, Mt Kenya Branch dated July 25, 2019. That he was charged in Meru Criminal Cause No E368 of 2023 with three counts of personation contrary to section 382 of the Penal Code.
7. The applicant further states that he has never been assigned any court files on mediation in Nairobi or Meru as is alleged in criminal cause No. E011/2023, nor forged any documents as alleged.
8. The applicant further states that the said complaint was processed by the Respondent and found to have merit. That he was not given a fair hearing or an opportunity to be heard before the Respondent arrived at the ruling of the 10<sup>th</sup> December 2021. To him, the Judiciary's Mediation Accreditation Committee has conspired with the Mount Kenya lawyers to damage his business and property. That the respondent lacked jurisdiction to act against him.
9. The application was served on the respondent but it did not file any response. That said the respondent's ruling in question has been filed by the applicant so I will look at it.

#### **Analysis and determination**

10. In the ruling dated 10<sup>th</sup> December 2021, the respondent found that the applicant was neither fit nor suitable to be retained on the list of accredited mediators. The respondent then struck off the applicant's name from the register of accredited mediators.
11. The issues for determination are:
  - a. Whether the respondent has jurisdiction to strike off any person from the list of accredited mediators.
  - b. Whether the Applicant has established grounds for review as sought by the applicant.

#### **Jurisdiction of the Respondent**

12. The respondent is a Statutory Committee established under the provisions of section 59A (1) of the *Civil Procedure Act*. Its mandate includes the accreditation of suitable and qualified persons as mediators and to maintain a list of accredited mediators. Under section 59A (4) the respondent is also mandated to enforce such code of ethics for mediators as may be prescribed. The respondent has powers to receive and consider complaints made against any accredited mediator and may take any disciplinary measures as prescribed in the Code of Ethics.
13. It is thus clear that the respondent is the correct body empowered to deal with matters regarding any complaint against a mediator. It thus had the requisite jurisdiction to handle the complaint against the applicant.

#### **Whether the applicant has established grounds for review**

14. The application is clearly, in its intent and purpose, an attempt at invoking the powers of this court on Judicial Review, but the applicant has couched it as an application for review.
15. The Applicant claims he was not given a fair hearing and that there was a conspiracy to damage his business.



16. From the evidence that the Applicant presented, it is clear that he was only provisionally accredited in 2018 pending a mentorship program. Full accreditation was expected after he completed the mentorship programme.
17. Before full accreditation, a complaint from the Law Society of Kenya (LSK) Mt. Kenya Branch was received, processed and found to have merit, leading to the Applicant being struck off the register on December 10, 2021.
18. The respondent conducted its own enquiries and found that the applicant had misconducted himself by carrying himself out as an accredited mediator which he was not, and had even misconducted himself when he advertised his services to the general public, by placing banners in and around Meru town. The Applicant was subsequently charged with three counts of personation in Criminal Cause No. E368 of 2023. The status of the said case is unknown.
19. On receipt of the complaint, the respondent duly invited the applicant to respond to the complaint and attendance to its disciplinary proceedings. From the ruling of the court, it is evident that the applicant made several applications for adjournment, which were granted and when he was required to avail his evidence, he failed to do so.
20. In view of the above, I am of the view that the proceedings by the respondent were conducted in an open, fair and transparent manner. The applicant was given an opportunity to be heard but he spurned it. There was no breach of the applicant's rights as alleged.
21. In conclusion, I find that the application dated 4<sup>th</sup> March, 2024 lacks any merit and it is hereby dismissed with no orders as to costs.
22. In orbiter, I wish to inform the applicant that an appointment as a mediator is primarily meant to help in the dispensation of justice and is not a money-making enterprise. He is thus advised that he should cease and desist from undertaking the kind of activities complained of lest he finds himself in more trouble.

**DATED, SIGNED AND DELIVERED AT MERU ON 22<sup>ND</sup> DAY OF JANUARY 2026.**

.....

**H.M. NYAGA**

**JUDGE**

