



REPUBLIC OF KENYA



**KENYA LAW**  
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**Murango & another v Mbadi, the Cabinet Secretary, National Treasury and Planning & 7 others  
(Constitutional Petition E009 of 2025) [2026] KEHC 4022 (KLR) (27 March 2026) (Ruling)**

Neutral citation: [2026] KEHC 4022 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KERUGOYA  
CONSTITUTIONAL PETITION E009 OF 2025**

**EM MURIITHI, J**

**MARCH 27, 2026**

**IN THE MATTER OF THE ALLEGED CONTRAVENTION OF THE  
CONSTITUTION UNDER ARTICLES 26, 27, 40, 43(1), 46(1) AND 47**

**AND**

**IN THE MATTER OF THE ALLEGED CONTRAVENTION OF THE  
CONSTITUTION UNDER ARTICLES 10(2), 11(1)(B), 210, 225,  
226(1)(2) AND 227(1)(2) OF THE CONSTITUTION OF KENYA**

**AND**

**IN THE MATTER OF ARTICLES 1, 2, 3, 23, 159 AND  
165 OF THE CONSTITUTION OF KENYA, 2010**

**AND**

**IN THE MATTER OF THE INHERENT JURISDICTION  
OF THE HIGH COURT TO PUNISH FOR CONTEMPT**

**BETWEEN**

**HON. JAMES KAMAU MURANGO ..... 1<sup>ST</sup> SUBSTITUTE PETITIONER**

**HON. DAVID MATHENGE ..... 2<sup>ND</sup> SUBSTITUTE PETITIONER**

**AND**

**HON. JOHN MBADI, THE CABINET SECRETARY, NATIONAL TREASURY  
AND PLANNING ..... 1<sup>ST</sup> RESPONDENT**

**THE CABINET SECRETARY, AGRICULTURE AND LIVESTOCK  
DEVELOPMENT ..... 2<sup>ND</sup> RESPONDENT**

**AGRICULTURE AND FOOD AUTHORITY ..... 3<sup>RD</sup> RESPONDENT**

**DR. LILIAN NYAWANDA, THE COMMISSIONER FOR CUSTOMS AND  
BORDER CONTROL ..... 4<sup>TH</sup> RESPONDENT**



HON. ATTORNEY GENERAL ..... 5<sup>TH</sup> RESPONDENT  
KENYA NATIONAL TRADING CORPORATION ..... 6<sup>TH</sup> RESPONDENT  
MR. HUMPHREY WATTANGA, COMMISSIONER GENERAL, KENYA  
REVENUE AUTHORITY (KRA) ..... 7<sup>TH</sup> RESPONDENT

AND

NJEMA COMMODITIES LIMITED ..... INTERESTED PARTY

## RULING

1. By application dated 26th February 2026, brought ‘pursuant to Articles 10 and 159 of *the Constitution* of Kenya 2010; Rule 19 of *the Constitution* of Kenya (Protection of Rights and Fundamental freedoms) Practice and Procedure Rules, 2013; Sections 1A, 1B, 3A and 80 of the *Civil Procedure Act* Cap 21 Laws of Kenya; and Order 45 Rule 1 of the Civil Procedure Rules; and all other enabling provisions of the law and other enabling provisions of the law’, the 3<sup>rd</sup> Respondent seeks review of the court order of 29th January 2026, as follows:

- “ 1. That this Application be heard on a priority basis in view of the impending tranche commencement date of 1st March 2026 set in the Ruling delivered by this Honorable Court on 29th January 2026.
2. That this Honourable Court be pleased to review and/or vary Order 10 of the Ruling delivered on 29th January 2026 to the extent that it allows further importation of the balance of 254,000 MT of Grade 1 rice duty-free in three equal tranches of 85,000 MT each phased to commence on 1st March 2026, 1st April 2026 and 1st May 2026 respectively.
3. That upon such review and/or variation, this Honourable Court be pleased to substitute the said Order with an Order in either of the following alternative forms, as the Court may deem fit in the interests of justice and practicality: -
  - a. Leave be and is hereby granted to the Respondents to import the entire balance of 254,000 MT of Grade 1 rice duty-free in a lump sum shipment program to be completed within a period of three (3) months commencing on or after 1st March 2026; OR
  - b. Leave be and is hereby granted to the Respondents to continue importing the said balance of 254,000 MT in tranches, as ordered, as soon as practicable, commencing on or after 1st March 2026, without strict limitation to the calendar months of March, April and May 2026, provided that: -
    - i. the aggregate quantity imported under this leave shall not exceed 254,000 MT; and
    - ii. the Respondents shall file periodic status reports as this Honorable Court may direct to confirm compliance.



4. That costs be in the cause.”
2. The application was based on the grounds set out in the application as follows:
    - “ 1. The Ruling delivered by this Honorable Court on 29th January 2026 created an interim implementation program designed to balance rice availability and price stability with farmers’ livelihoods.
    2. The tranche structure of 85,000 MT per month tied to fixed calendar commencement dates creates a material risk of impracticability and unintended contempt exposure due to, vessel size constraints, procurement lead times, transit time variability, and the Port of Mombasa berth, handling, and/or cargo congestion dynamics.
    3. The bagged rice consignments handled at the Port of Mombasa are in the tens of thousands of MT per vessel call, implying that multiple voyages are required for each 85,000 MT tranche.
    4. The Court granted liberty to apply for further relevant directions, evidencing supervisory jurisdiction and anticipation of implementation refinements.
    5. This Application is brought timeously and without unreasonable delay given the impending 1st March 2026 commencement date.
    6. It is in the interests of justice, and consistent with the Court’s own objectives, to review/vary the order to a form capable of compliance.”
  3. In support of the application, the applicant made an affidavit by the 3rd Respondent’s Acting Director General and Director, Food Crops Directorate CALISTUS EFUKHO KUNDU as follows:
    - “ 3. That the Applicant respects the Ruling [of 29/1/2026] and the objectives stated by the Court, including the need to protect the livelihoods of farmers and avoid abrupt market distortions, even as Government interventions seek to address supply deficits and stabilize consumer prices.
    4. That the Applicant’s concern, prompting this Application, is strictly the practical implementability of the importation timetable as presently expressed, and the risk that the parties may be exposed to allegations of disobedience or contempt of court orders due to unavoidable shipping and port logistics constraints.
    5. That I am aware of import logistics, and I verily believe, that importing 85,000 MT of rice within a rigid monthly window is logistically challenging because it ordinarily requires multiple vessel voyages or calls, each with separate contracting, loading, sailing, berthing, discharge, inspection, and clearance processes.
    6. That bulk carrier size ranges commonly utilized for constrained ports often fall in the approximate 20,000 – 40,000 DWT handysize category, meaning that a single vessel call may not realistically deliver 85,000 MT at a go.



7. That further, I am aware that bagged rice consignments associated with individual vessel calls are commonly in the tens of thousands of metric tons, usually on an average of approximately 25,000MT bagged rice.
8. That on the basis of the above consignment sizes, each tranche of 85,000 MT would typically require coordination of at least three large vessel calls, and in some shipping scenarios four or more, which cannot be reliably synchronized to calendar months with zero spill-over risk.
9. That I am aware that the Port of Mombasa is the principal maritime gateway for such cargo, with conventional cargo berths and specialized bulk grain handling operations. Bulk grain handling includes conventional bagging via grabs onto bagging plants alongside ship and onto trucks.
10. That because conventional cargo operations require berth allocation and handling resources, and because the Port handles high throughput volumes, the precise timing of discharge and cargo evacuation can be impacted by operational congestion and competing vessel traffic.
11. That recent Northern Corridor Transport Observatory performance reporting shows that vessel waiting time before berth and ship turnaround time are measurable and variable indicators at the Port of Mombasa, and that global shipping disruptions, including those affecting Red Sea routes have been cited as contributors to vessel traffic influxes and delays (Annexed herewith and marked “CEK-2” is a copy of the said Report).
12. That the sourcing markets for rice imports into Kenya largely include India and Pakistan. I am aware that procurement and shipment coordination from those origins requires lead time and is exposed to shipping schedule variability.
13. That I am aware that various routings to Mombasa require approximately two weeks’ transit time on the service loop without accounting for time required for sourcing, contracting, packaging, port loading, berthing queues, discharge, and customs and standards clearance, all of which may extend timelines beyond a calendar month.
14. That the Gazette Notice No. 10353 itself requires that each consignment meet standards and be accompanied by a Certificate of Conformity issued by the Kenya Bureau of Standards, which necessarily entails compliance and documentation steps for each consignment.
15. That I verily believe that unless the Court reviews and or varies the tranche schedule to allow a workable implementation structure, which is either a lump-sum program within three months, or tranches without rigid month limitation but with reporting and a total cap, there is a real risk that strict adherence to the Court-directed calendar may become impracticable, thereby creating unnecessary contempt exposure and undermining the Court’s supervisory objectives.
16. That the Court expressly granted liberty to apply for further relevant directions, and therefore this Application is a good faith invocation of the



Court's supervisory jurisdiction to ensure that its interim program remains enforceable and aligned to its stated purposes.

17. That it is in the interest of justice that the Orders be reviewed and or varied to a form that the parties can comply with, without undermining the Court's intended protection of farmers and the public interest in food availability and stable prices."

## The Response

4. The 1<sup>st</sup> Substituted Petitioner HON. JAMES KAMAU MURANGO, Senator, Kirinyaga County, oppose the application and have filed a response by a Replying Affidavit sworn on 9th March 2026 setting out the objection to the application for review as follows:
  4. The premise of the entire application is that the 3rd Respondent is obliged to import exactly 85,000 MT of rice within each calendar month, and that any shortfall within a given month constitutes non-compliance and potential contempt. That reading of the Order is wrong, and the application collapses once it is corrected.
  5. The Order of 29th January 2026 grants leave to import up to 254,000 MT in three phased tranches. It is a leave order setting a maximum quantity per tranche and a commencement date for each phase. It is not a command to import a minimum of 85,000 MT by a fixed deadline within each month. The Respondents are at liberty to import less than 85,000 MT in any given tranche. What they cannot do is import more than 254,000 MT in total, or accelerate importation ahead of the phased structure.
  6. If the 3rd Respondent imports 60,000 MT in March and 25,000 MT in early April before the second tranche opens, the Court's intent is preserved. If logistical constraints mean that only 40,000 MT arrives in March, that is not a contempt of the Order. Compliance means not exceeding the caps and not bypassing the phased structure. It does not mean importing to the tonne on a calendar deadline.
  7. The application is therefore premised on a problem that does not exist. There is no risk of contempt exposure from operational shortfalls below 85,000 MT per month. That risk, which the entire affidavit is constructed to address, is an imagined one.
  8. Properly understood, the 3rd Respondent's alternative (a) in its Notice of Motion seeks leave to import the full 254,000 MT in a single lump programme over three months with no individual monthly caps. That is the antithesis of what this Court ordered and the antithesis of the purpose for which the phased structure was designed.
  9. The phased importation structure in the Ruling of 29th January 2026 was fashioned by this Court precisely to avoid the abrupt, large-scale influx of duty-free rice that would depress market prices and destroy the income of farmers in Mwea and surrounding rice-producing regions. The Court's own reasoning, at paragraphs [7][8] and [9] of that Ruling, records that an unstructured or front-loaded importation programme would adversely affect the prices of stocks held by farmers and millers, and damage the returns on the upcoming harvests. The very harm the Ruling was designed to prevent is what alternative (a) would cause.
  10. Alternative (b) in the Notice of Motion effectively seeks to remove the monthly caps while retaining the three-tranche label. The practical consequence is the same: the Respondents could import all 254,000 MT in weeks if logistical conditions permitted, leaving the farmers



with no protection against price collapse. This is not a refinement of the Court's order. It is a reversal of its fundamental purpose.

11. The Supporting Affidavit of Mr. Kundu asserts that importing 85,000 MT per month is logistically challenging because individual vessel calls typically deliver 25,000 MT of bagged rice, requiring three or four vessel calls per tranche. I do not dispute the general vessel capacity figures cited.
12. However, the affidavit proceeds on the assumption that each tranche must be completed within a single calendar month by simultaneous or closely coordinated vessel arrivals. That is not what the Order requires. Tranche 1 commences on 1st March 2026. Tranche 2 commences on 1st April 2026. Nothing in the Order prevents vessels from arriving throughout March for the first tranche, or indeed prevents some spillover into early April before the second tranche opens. The caps are cumulative volume limits, not daily or weekly delivery targets.
13. The 3rd Respondent and its principals are large-scale government entities that have been administering rice importation programmes for many months. The Ruling of 29th January 2026 was delivered weeks before the 1st March 2026 commencement date, providing adequate lead time to begin contracting and vessel scheduling. The logistics concerns raised are either manageable or, to the extent they are genuine, a matter of the Respondents' own procurement planning rather than a defect in the Court's order.
14. The 3rd Respondent at paragraph 3 of the affidavit states that it respects the Ruling and its objectives, including the protection of farmers' livelihoods. I accept that statement. But if it is sincere, the appropriate course is to comply with the phased structure as ordered rather than to seek its removal under the guise of logistical concern.
15. The 3rd Respondent invokes Order 3 of the Ruling of 29th January 2026, which grants all parties liberty to apply for further relevant directions, as authority for this application. The liberty to apply clause confers jurisdiction to seek directions on implementation questions that arise in the course of compliance. It does not confer jurisdiction to fundamentally alter the structure of a court-ordered programme by removing the monthly caps that are the central mechanism by which the Court balanced competing interests.
16. The variation sought is not a direction on implementation. It is a request to substitute a different and more permissive order for the one made. That requires a higher threshold than a liberty to apply, and the 3rd Respondent has not demonstrated any change of circumstances, material facts not before the Court at the time of the Ruling, or any other basis that would justify revisiting a carefully reasoned order delivered less than six weeks ago.
17. If the application is dismissed, the Respondents are required to import rice in a phased structure that this Court found, after full argument, appropriately balances food security with the protection of farmers' livelihoods. The logistics of doing so are manageable given correct understanding of the order.
18. If the application is granted, the phased structure is dismantled. There will be nothing to prevent the importation of all 254,000 MT in the opening weeks of March. The price of locally produced rice, including the harvest expected from mid-March and April, will collapse. The harm to Mwea farmers and the wider rice-producing sector will be immediate, large-scale, and irreversible. That is precisely the harm this Court's Ruling was designed to prevent, and that the 1st Substituted Petitioner and those he represents have been litigating to avoid for many months.



19. The application should be dismissed. The Order of 29th January 2026 does not require the Respondents to import exactly 85,000 MT per calendar month. It sets a maximum per tranche and a commencement date for each phase. If the Respondents import less than 85,000 MT in any tranche due to logistical constraints, they are not in breach. The variation sought is not a direction on implementation but a dismantling of the protective structure the Court carefully fashioned. The balance of harm is overwhelmingly with the farmers of Mwea and the rice-producing communities this Petition exists to protect.”
5. The 2<sup>nd</sup> substituted petitioner filed a belated affidavit in reply sworn on 16/3/2026 outside the time allowed in the directions given by the Court for the hearing of the application, which on objection by the applicants and in the interests of efficiency of the process of the court and expedited disposal of the application in this protracted dispute was expunged by the Court.
6. Pursuant to the directions of the Court, the applicant filed a supplementary affidavit sworn on 17/3/2026 reiterating its core contention as follows:
  - “ 3. That I have read and understood the Replying Affidavit sworn by Hon. James Kamau Murango on 9th March 2026 and the Replying Affidavit sworn by Hon. David Mathenge on 16th March 2026 and I respond further as set out below.
  4. That I am advised by the Applicant’s Counsel on record, which advice I verily believe to be true, that the Replying Affidavit sworn by Hon. David Mathenge was filed out of time, without leave of this Honourable Court, and in blatant disregard of the applicable procedural rules, rendering the same fatally defective, incompetent, and liable to be struck out in limine.
  5. That notwithstanding the foregoing and without prejudice to this objection, in the unlikely event that this Honourable Court is minded to admit the said irregular Affidavit, the 3rd Respondent shall respond thereto as hereunder.
  6. That save where expressly admitted, the allegations made by the Substituted Petitioners in the said Replying Affidavits are inconsistent with the true position, and I make this Further Affidavit to correct misapprehensions and place additional implementation safeguards before the Court.
  7. That at all times, the 3rd Respondent/Applicant respects the Court, the Ruling delivered on 29th January 2026, and the Court’s stated objectives of balancing rice availability and price stability with the protection of farmers’ livelihoods.
  8. That the averments of Hon. Murango in paragraph 4 of his Replying Affidavit are a complete and unfortunate misapprehension of the 3rd Respondent/Applicant’s case. For the avoidance of doubt, the 3rd Respondent/Applicant has never contended that the importation of less than 85,000 MT in any given calendar month constitutes contempt. The Deponent’s assertions in this regard are therefore wholly misplaced, misleading, and appear calculated to divert this Honourable Court from the real issue in contention.
  9. That the 3rd Respondent/Applicant’s concern is the practicality of the tranche program as expressed, namely: three equal tranches of 85,000 MT with



fixed commencement dates of 1st March 2026, 1st April 2026 and 1st May 2026.

10. That the real implementation risk is where a tranche, by unavoidable shipping/port timing is not fully landed and cleared within the anticipated period after its commencement date, the unlanded or uncleared balance spills over into the next tranche period, creating a foreseeable dispute as to how such carry-over is to be accounted for as between tranches.
11. That the above overlap risk is not a theoretical complaint but is directly linked to vessel scheduling, berth allocation, discharge windows, evacuation capacity, inspections, and clearance steps that are not fully controllable by the 3rd Respondent/Applicant.
12. That accordingly, the 3rd Respondent/Applicant moved the Court in advance of the 1st March 2026 commencement date to seek workable variation and avoid preventable disputes, including disputes that may be escalated by parties as alleged disobedience.
13. That the 3rd Respondent/Applicant does not seek to dismantle farmer protection or enable uncontrolled front-loading; but the proposed alternatives as set out in the Application were framed to address practicability while preserving the total cap of 254,000 MT and enabling Court supervision, including status reporting.
14. That in response to the 1st Substituted Petitioner's assertion that liberty to apply cannot support the present Application, the 3rd Respondent/Applicant is invoking the Court's supervision in good faith because the tranche order is an interim implementation program requiring practical working out and verification.
15. That the 3rd Respondent/Applicant is therefore not asking this Court to rehear the merits of the Application(s) leading to the Court's Ruling of 29th January 2026 but rather the Applicant seeks variation that makes the interim tranche program workable, measurable, and aligned with the Court's protective purpose.
16. That in response to the review-threshold objections in Hon. Mathenge's Replying Affidavit, the Applicant's Motion is prompted by the practical working out difficulties revealed by implementation at tranche scale under fixed commencement dates; and supervening and worsening external shipping security and routing volatility affecting predictability of voyages and schedules in the relevant period.
17. That in response to the allegations of delay and laches, the instant Application was filed promptly after internal implementation consultations and assessment of logistics and schedule feasibility, ahead of the tranche commencement dates, specifically to allow the Court to give directions prior to the program's operational start and to avoid post-fact disputes.
18. That the Applicant further sought priority hearing precisely because the timetable was imminent, and acted in good faith to place the issue before this



Honourable Court as soon as the risk of practical difficulty in fully effecting the Court's orders within the prescribed timelines became foreseeable.

19. That it is not disputed that Kenya's port and customs systems may process significant rice volumes over time. However, the present concern is not simple aggregate throughput, but rather the synchronization and accounting of tranche-scale shipments under fixed commencement dates, in a way that avoids overlap surge risk and avoidable enforcement disputes.
20. That further, references to specific SAD entries (including small consignments) do not resolve the core issue that tranche-scale deliveries typically require multiple vessel calls and are exposed to schedule changes, berth waiting time, discharge constraints, and clearance timing.
21. That additionally, I respectfully urge the Court to take judicial notice that there is ongoing armed conflict in the Middle East involving Iran and Israel and affiliated hostilities which have materially affected maritime security conditions, shipping routes, and vessel schedules in and around key corridors, thereby increasing unpredictability of transit and arrival timing for cargo destined for the region, including East African routes.
22. That for the avoidance of doubt, the 3rd Respondent/Applicant remains ready and willing to comply with such strict, Court-directed safeguards as may be necessary to preserve the protective purpose of the tranche order, and in particular does not seek to defeat or dilute the said purpose but only to relax the rigid calendar-month limitation with specific quantities within the calendar months.
23. That the Applicant avers that any apprehension of front-loading can be adequately and effectively addressed by this Honourable Court through the adoption of an objective pacing cap within a rolling 30-day period, together with appropriate reporting obligations, thereby ensuring full compliance with the spirit and intent of the Court's orders while allowing practical and workable implementation.
24. That it is in the interest of justice that the Orders be reviewed and or varied to a form that the parties can comply with, without undermining the Court's intended protection of farmers and the public interest in food availability and stable prices.
25. That I am advised by Counsel on record, which advice I verily believe to be true that no party will suffer prejudice if this Honorable Court allows this Application as prayed."

### **Submissions**

7. The parties filed written submissions urging their respective cases and the ruling was reserved for 27/3/2026.
8. The 3rd Respondent applicant by Submissions dated 19th March 2026 [filed on 20/3/2026 at 23:59:54] urged the court to find sufficient cause to review its Orders of 29/1/2026 as follows:

“Introduction



1. These Submissions are made in support of the 3rd Respondent's Application dated 26th February 2026 and are anchored on the well established ground of sufficient cause as the basis for this Honourable Court's exercise of its review jurisdiction.
2. The Respondent relies on the Supporting Affidavit sworn by Calistus Efukho Kundu on the date of the Application and his Further Affidavit sworn on 17th March 2026.
3. The 3rd Respondent respectfully submits that the Ruling of 29th January 2026, which authorized importation of 254,000 MT of duty-free Grade 1 rice in three fixed tranches of 85,000 MT each on 1st March, 1st April, and 1st May 2026 should be varied in light of practical constraints.
4. The 3rd Respondent fully supports the goal of supplementing national rice supply, but the rigid schedule now set risks real injustice through clogging of ports, delaying deliveries, and possibly violating the Ruling without increasing total imports.
5. At the heart of the present Application is not a challenge to the merits, reasoning, or intent of this Honourable Court's Ruling delivered on 29th January 2026. Rather, it is a narrow, bona fide, and necessary invocation of the Court's discretionary power to review its Orders where sufficient cause exists to prevent injustice or impracticability in implementation.
6. The 3rd Respondent respectfully submits that the circumstances now presented before this Court disclose such sufficient cause. The rigid, date-specific tranche schedule imposed by the Ruling, though well-intentioned, has, upon practical evaluation, revealed real and unavoidable implementation constraints which, if left unaddressed, risk frustrating the very objectives the Court sought to achieve.
7. The Court's inherent jurisdiction and its overriding duty to ensure justice permits modest variation of its own order where necessary to prevent miscarriage. The 3rd Respondent proposes replacing the date-specific tranches with a more flexible timetable, while preserving the total cap and obligation to first mop up local stocks. Strict reporting and monitoring safeguards would preserve the Order's intent and protect farmers. On balance, fairness and implementability require this variation.
8. This Application therefore invites this Honourable Court to exercise its equitable and discretionary jurisdiction, not to alter the substance of its decision; but to render its Orders workable, just, and capable of faithful compliance in light of prevailing realities.
9. It is therefore the 3rd Respondent's respectful position that the concept of sufficient cause must be understood in its proper legal and equitable context, as a flexible and justice oriented standard that empowers the Court to intervene where adherence to the strict letter of its Orders would occasion hardship, impracticability, or unintended injustice.



10. Further, this Honourable Court expressly granted liberty to apply in its Ruling of 29th January 2026. The legal import of such liberty is to preserve the Court's continuing supervisory jurisdiction, enabling parties to return before it where circumstances arise that necessitate clarification, adjustment, or implementation directions.
11. In this regard, the doctrine of liberty to apply operates in harmony with the principle of sufficient cause, as both are rooted in the Court's duty to ensure that its Orders remain fair, workable, and capable of practical compliance. The present Application is therefore properly before this Court within that framework, as it seeks only such variation as is necessary to give full effect to the ends of justice. Issues for Determination
12. The 3rd Respondent humbly submits that the following issues arise for determination:
  - a. Whether the Court has jurisdiction to vary its own Order of 29th January 2026.
  - b. Whether the 3rd Respondent meets the threshold for variation of orders.
  - c. Whether any party will suffer prejudice if the orders sought are granted as prayed.

## **The Law and Analysis**

### **Whether the Court has jurisdiction to vary its own Order of 29th January 2026**

13. It is trite law that a court may in appropriate cases revisit or modify its orders. Section 3A of the *Civil Procedure Act*, Chapter 21 Laws of Kenya, specifically saves inherent power to make orders necessary for the ends of justice. This inherent jurisdiction is broad, embracing interlocutory orders needed to effect justice.
14. Order 45 Rule 1 of the Civil Procedure Rules 2010 likewise allows review of a judgment for error of law, mistake on the face of the record, or any other sufficient reason. However, relief under Order 45 is discretionary and limited. A Court will normally not re-hear merits or disturb settled decisions unless justice requires it. 15. The Supreme Court of India in *Rupa Ashok Hurra vs Ashok Hurra; Writ Petition (Civil) 509 of 1997* underscored the need for justice to transcend all barriers by finding that: -

“Justice is a virtue which transcends all barriers. Neither the rules of procedure nor technicalities of law can stand in its way. The order of the Court should not be prejudicial to anyone. The rule of stare decisis is adhered to for consistency, but it is not inflexible in Administrative Law as in Public Law. Even the law bends before justice. Even when there was no statutory provision and no rules were framed by the highest court indicating the circumstances in which it could rectify its order, the courts culled out such power to avoid abuse of process or miscarriage of justice.”
16. In *Nguruman Ltd vs Shompole Group Ranch & Another* (2014) eKLR, this Court placed fair hearing as the anchor of its discharge of judicial function and, therefore, ruled that it had the right to revisit its past decisions. Further reliance is placed on *Standard Chartered Financial Services Limited & 2 others v Manchester Outfitters*



(Suiting Division) Limited (Now Known As King Woollen Mills Limited & 2 others [2016] KECA 671 (KLR), this Court underscored the need for fairness and justice to take priority over the principle of finality.

17. The remedy of this Court in its Ruling was intended to give a balanced interim relief. The Court granted liberty to apply, recognizing that further directions might be needed. This expressly contemplates modification if circumstances warrant. Inherent jurisdiction of this Honorable Court under Section 3A of the *Civil Procedure Act* supports such adjustment to make such orders as is necessary for the ends of justice. The *Civil Procedure Act*'s overriding objective and duty of court stress a just and proportionate process, not blind adherence to an impractical schedule. Thus, there is jurisdiction to consider the variation application. Whether the 3rd Respondent meets the threshold for variation of orders
18. The cornerstone of the present Application is the existence of sufficient cause within the meaning of Order 45 Rule 1 of the Civil Procedure Rules. Sufficient cause is not a rigid or closed category but a broad, equitable standard that permits the Court to intervene wherever it is demonstrated that the continued enforcement of an order in its current form would result in injustice, impracticability, or defeat the very purpose for which the order was made.
20. The Sufficient Reason standard offered hereinabove is flexible. As the Court of Appeal explained in *Benjoh Amalgamated Limited v Bidii Kenya Limited & another* [2024] KECA 593 (KLR), review is confined to correcting real injustice or apparent legal error.
21. Importantly, delays or implementation problems constitute such reason, provided the remedy serves justice. If compliance with a court order is practically impossible or would defeat its purpose, variation is proper. In *Giant Holdings Limited v Kenya Airports Authority* [2010] eKLR, the Court invoked the principle that the hand of justice is never too short or too long in exercising its inherent power to grant relief and maintain the status quo to overcome a technicality that threatened justice. Similarly, in *Teachers Service Commission v Kenya National Union of Teachers (KNUT) & 3 others* 5 [2015] KEELRC 863 (KLR) the court allowed flexible consent orders to resolve a national strike, emphasizing the public interest in education.
22. Conversely, an application to vary will fail if it merely reargues issues or claims what was decided was wrong on the merits as well laid out in *Benjoh Amalgamated Limited v Bidii Kenya Limited & another* (Supra).
23. Honorable Judge, the goal of the 3rd Respondent is clearly not to contest this Honorable Court's Ruling on import quantity or policy, but to ensure the phased import schedule can be met without unintended violation. That is a sufficient reason. Enforcing the exact dates as ordered may cause an undue technicality and frustrate the very food security goal, contrary to Article 159(2)(d) of *the Constitution* of Kenya, 2010.
24. The 3rd Respondent clearly elaborates through their filed Affidavits that the real implementation risk is where a tranche, by unavoidable shipping/port timing is not fully landed and cleared within the anticipated period after its commencement date, the unlanded or uncleared balance spills over into the next tranche period, creating



- a foreseeable dispute as to how such carry-over is to be accounted for as between tranches.
25. In the present case, the sufficient cause arises from demonstrable and uncontested logistical realities affecting the implementation of the tranche-based importation schedule. These include vessel scheduling uncertainties, port congestion, berth allocation constraints, inspection and clearance timelines, and other operational variables that lie beyond the direct control of the 3rd Respondent.
  26. The cumulative effect of these factors is that strict adherence to fixed calendar dates creates a real risk of technical non-compliance not through disregard of the Court's Orders but despite diligent efforts to comply. Such a situation squarely falls within the ambit of sufficient cause, as it would be unjust to penalize a party for circumstances that render compliance impracticable while acting in good faith.
  27. Your Lordship, Orders must be workable. Kenyan courts have recognized that an order conflicting with reality serves no one. If strict compliance risks dumping or violates procedural fairness, courts will tailor relief. In *Board of Governors, Moi High School, Kabarak & another v Bell & 2 others* [2013] KESC 12 (KLR), the Supreme Court upheld ancillary orders to protect the appeal, reflecting that substantive justice trumps form. Likewise, the Court in *Standard Chartered (Supra)* stressed the spirit of justice over rigid finality.
  28. Your Lordship, the law does not compel the doing of impossibilities. Where an order of the Court, though lawful and well-intentioned, becomes operationally rigid to the point of undermining its own purpose, the Court is not rendered *functus officio*. Rather, it retains the inherent jurisdiction to intervene and ensure that its processes remain instruments of justice as opposed to being sources of inadvertent hardship.
  29. In this scenario, requiring commencement of each tranche on the 1st of every month as ordered is likely unachievable. Shipping schedules, port backlog, and seasonal weather make exact dates uncertain. If a vessel is delayed and misses its cutoff, the importer could technically be in contempt of the Order as spill-overs arise, despite acting in good faith to meet Kenya's needs. That outcome would undermine the Ruling's intent.
  30. This Honorable Court cautioned against dumping large quantities to cause an abrupt and drastic decrease in price. A rigid schedule might inadvertently do that by forcing offloaded rice onto the market in a narrow window, which is not realizable in the first place.
  31. Additionally, the instant Application was filed promptly after internal implementation consultations and assessment of logistics and schedule feasibility, ahead of the tranche commencement dates, specifically to allow the Court to give directions prior to the program's operational start and to avoid post-fact disputes; hence presented in good faith and without any undue delay.
  32. This Honorable Court must also balance public interest. The 29th January Ruling stressed food security and farmers' livelihoods. The proposed variation would retain the phased structure and cap such that total imports and farmer protection are unchanged), while avoiding the risk that a delayed ship means a missing tranche and a sudden later surge while risking contempt proceedings at the same time.



33. Proportionality requires that the remedy does not go beyond what is needed to address the problem. Allowing modest flexibility while preserving report-back and the overall cap is proportionate. It addresses the real risk without opening the door to more imports or undermining farmers.
34. This Honorable Court is further urged to take judicial notice of national hostilities and matters of general notoriety in line with the *Evidence Act*, Chapter 80 Laws of Kenya. The ongoing armed conflict in the Middle East involving Iran and Israel and affiliated hostilities which have materially affected maritime security conditions, shipping routes, and vessel schedules in and around key corridors, thereby increasing unpredictability of transit and arrival timing for cargo destined for the region, including East African routes.
35. It is therefore crucial and in the interest of justice that this Honorable Court does not issue orders in vain but issue orders capable of being implemented without the risk of violation, whether intended or otherwise.

**Whether any party will suffer prejudice if the orders sought are granted as prayed**

36. While variation of the orders is discretionary, this Honorable Court must balance fairness and finality. The relief granted should not unfairly prejudice others.
37. In this instance, no party is prejudiced. The Substituted Petitioners still get the same 254,000 MT cap and first priority on local stock. Allowing flexible timing merely acknowledges reality. Farmers' interests remain protected by the overall limit.
38. Article 43(1)(c) of *the Constitution* of Kenya guarantees every Kenyan the right to be free from hunger. The State must therefore take reasonable measures to stabilize food supply and prices. Conversely, this Honorable Court also recognized farmers' economic rights. The convergence of these interests was emphasized and this Honorable Court mandated phased imports to stabilize prices gradually. The 3rd Respondent's proposal honors both. What is simply sought is flexibility on when each phase falls.
39. As a matter of fact, the current rigidity could frustrate supply without benefit to any party. This Honorable Court therefore ought to permit implementation variations when core rights as elaborated above are preserved as no prejudice has been proved to befall any party if the Application is allowed.
40. The 3rd Respondent has demonstrated through evidence and practical realities that without the modest variation sought, the current Orders risk generating avoidable disputes, technical breaches, and inefficiencies that would defeat their intended purpose. In these circumstances, sufficient cause is not merely established but compelling.

**Conclusion**

41. The 3rd Respondent/Applicant therefore respectfully submits that this Court has jurisdiction to vary its own order and sufficient reason exists to do so. This is to avoid practical impossibility and injustice in executing the Order's schedule.
42. Doing so will further not defeat the Ruling's intent. In the exercise of its discretion, the Court should permit the phased imports to proceed on a workable timeline as above,



subject to any appropriate checks to preserve the set cap. This approach honors food security and farmers alike, without rewarding technical breach or allowing undue price dumping.

43. The 3rd Respondent/Applicant therefore prays that the Court review and vary Order 10 of the 29th January 2026 Ruling by adopting the revised tranche schedule and safeguards outlined above, and generally grant such relief as may be necessary to effect justice and the public interest.”

PARA 9.

The other parties did not file submissions on the application of 26/2/2026. [Last check at 27/3/2026, 1100hrs.] However, in his detailed replying affidavit the 1<sup>st</sup> Substituted Petitioner has made factual and legal contentions to support his core contention that –

- “ 18. If the application is granted, the phased structure is dismantled. There will be nothing to prevent the importation of all 254,000 MT in the opening weeks of March. The price of locally produced rice, including the harvest expected from mid-March and April, will collapse. The harm to Mwea farmers and the wider rice-producing sector will be immediate, large-scale, and irreversible. That is precisely the harm this Court’s Ruling was designed to prevent, and that the 1st Substituted Petitioner and those he represents have been litigating to avoid for many months.”

**Issue for determination.**

10. Whether the Court will review its decision to allow for importation of the global quantity of rice permitted by the court in the ruling sought to be reviewed to permit the duty -free rice imports without the structural limitations on monthly timelines for importation.
11. The question before the court is whether there is sufficient cause within the meaning of Order 45 (1) of the Civil Procedure Rules, which allows for review on the grounds of sufficient cause as follows:

- “ 1. Application for review of decree or order [Order 45, rule 1]
- (1) Any person considering himself aggrieved—
- (a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred; or
- (b) by a decree or order from which no appeal is hereby allowed, and who from the discovery of new and important matter or evidence which, after the exercise of due diligence, was not within his knowledge or could not be produced by him at the time when the decree was passed or the order made, or on account of some mistake or error apparent on the face of the record, or for any other sufficient reason, desires to obtain a review of the decree or order, may apply for a review of judgment to the court which passed the decree or made the order without unreasonable delay.
- (2) A party who is not appealing from a decree or order may apply for a review of judgment notwithstanding the pendency of an appeal by some other party except where the ground of such appeal is common to the applicant and the



appellant, or when, being respondent, he can present to the appellate court the case on which he applies for the review”.

12. Giving statutory underpinning to the Rules, section 80 of the *Civil Procedure Act* provides as follows:

“ 80. Review

Any person who considers himself aggrieved—

- (a) by a decree or order from which an appeal is allowed by this Act, but from which no appeal has been preferred; or
- (b) by a decree or order from which no appeal is allowed by this Act, may apply for a review of judgment to the court which passed the decree or made the order, and the court may make such order thereon as it thinks fit.”

13. The Court considers that the application and this ruling is not an occasion to review the decision of the Court of 29/1/2026 for its merit as in an appeal. It is trite that if parties to a suit seek to demonstrate that the court’s decision was wrong in the conclusion, such as here, for allowing for the importation of the duty-free rice, that must be subject of an appeal on the merit, as held in *National Bank of Kenya Ltd v Njau* [1997] KECA 71 (KLR), as follows:

“A review may be granted whenever the court considers that it is necessary to correct an apparent error or omission on the part of the court. The error or omission must be self evident and should not require an elaborate argument to be established. It will not be a sufficient ground for review that another Judge could have taken a different view of the matter. Nor can it be a ground for review that the court proceeded on an incorrect exposition of the law and reached an erroneous conclusion of law. Misconstruing a statute or other provision of law cannot be a ground for review.”

And see *Benjoh Amalgamated Limited v Bidii Kenya Limited & another*, supra.

14. The liberty to apply given to the parties in the petition was not for the purposes of facilitating a review of the court’s decision to achieve a different result in the way of an appeal. It is a procedural facility for seeking the court’s directions for implementation of its orders.

15. The Counsel for 3<sup>rd</sup> Respondent accepts that it does not seek a reversal of the order of the Court would be possible on appeal. It is asserted that the concern is “the real implementation risk is where a tranche, by unavoidable shipping/port timing is not fully landed and cleared within the anticipated period after its commencement date, the unlanded or uncleared balance spills over into the next tranche period, creating a foreseeable dispute as to how such carry-over is to be accounted for as between tranches.”

16. Pursuant to section 60 (o) of the *Evidence Act*, the Court accepts the invitation by the 3<sup>rd</sup> respondent to take “judicial notice that there is ongoing armed conflict in the Middle East involving Iran and Israel and affiliated hostilities which have materially affected maritime security conditions, shipping routes, and vessel schedules in and around key corridors, thereby increasing unpredictability of transit and arrival timing for cargo destined for the region, including East African routes.”

17. The Court notes that the 3<sup>rd</sup> Respondent’s application is squarely covered by section 80 of the *Civil Procedure Act* Cap 21 Laws of Kenya; and Order 45 Rule 1 of the Civil Procedure Rules, which are some of the provisions under which the present application is brought, because it has not appealed the decision of 29/1/2026, which is subject of the review application, although the subsequent decision



of this Court in which the court found some respondent to be in contempt of court is under appeal by the 1<sup>st</sup>, 4<sup>th</sup> and 7<sup>th</sup> Respondents.

18. If as urged by the applicant that “the law does not compel the doing of impossibilities”, there cannot be contempt of court for failure to perform an impossibility, and the law of contempt of court is not mechanical.
19. There is no application before the Court, and the Court does not review its order of 29/1/2026, to allow the duty-free-importation of the entire balance of 254,000MT at one go; the court will only consider whether a review of the format of importation is necessary.

### **Determination**

20. The Court made its order for the phased importation of the duty-free rice as a conservatory order pending the hearing of the Petition herein on the basis of four considerations:
  - a. There is admittedly shortage in local production to meet the demand of rice in the country but there is also considerable local production of the crop which the Government must purchase in support of the interest of its farming populace.
  - b. The economic interest of local producers in maintaining a profitable production of rice may be addressed by suitable orders for buying Kenyan rice (mop-up) before the duty-free importation.
  - c. There are beneficial outcomes in availability of rice at reasonable prices, resulting in food security and wellbeing for the public, and the profitability of the economic/business activities of the farmers.
  - d. The public interest tilts in favour of provision of adequate food at affordable prices or food security as against the private financial interest gains of the local farmers.
21. There was no magic in the quantities or the time-lines for the implementation of the duty-free imports. The good faith intervention by the Court may be shown to be impractical on the basis of the facts on the ground at the time of the making of the order and, perhaps more importantly, at the time of implementation. Hence the grant of liberty to apply. There is also review jurisdiction under section 80 of the *Civil procedure act* and Order 45 of the Civil Procedure Rules invoked in this application.
22. The Court accepts the submission by the 1<sup>st</sup> Substituted petitioner as to the scope of a liberty to apply that “The liberty to apply clause confers jurisdiction to seek directions on implementation questions that arise in the course of compliance. It does not confer jurisdiction to fundamentally alter the structure of a court-ordered programme by removing the monthly caps that are the central mechanism by which the Court balanced competing interests.” This Court’s reading of the application is that what is sought is the removal of alignment to particular months set out in the Order, not that the importation should be done all at once.
23. However, it is not correct as contended by the 3rd Respondent/applicant that the Court made a rigid date-specific tranche schedule. The reference to 1st day of the particular month was to indicate particular month when the importation of the particular tranche would be made. The delivery of the importation could be landed on any particular date in the month beginning the 1st of the particular month. However, in view of this contestation, it is perhaps necessary to consider the review sought for purposes of clarifying the order of the court, and make any other necessary direction for effective implementation of the order.



24. The 3rd Respondent's query as to a 'tranche, [which] by unavoidable shipping/port timing is not fully landed and cleared within the anticipated period after its commencement date, the unlanded or uncleared balance spills over into the next tranche period, [and] creating a foreseeable dispute as to how such carry-over is to be accounted for as between tranches', provides a basis for invocation of the liberty to apply for further directions for the practical implementation of the court order.
25. It appears that there is no substantial contest on the court's jurisdiction to review its orders, subject of the application. The response by the 1<sup>st</sup> Substituted Petitioner is that the review sought is unnecessary as the situation anticipated by the 3<sup>rd</sup> Respondent's application to justify the review of the court order as authorised by the Order of 29/1/2026. The Court observes that the 1<sup>st</sup> Substituted Petitioner's contention that the review is unnecessary as the 3<sup>rd</sup> Respondent may notwithstanding the difficulties in the full importation the periodic quotas of 85,000MT for each month, still comply with order of the court by topping up any deficiencies in the one month with subsequent importation in the succeeding month is incorrect. If the delayed importation of a proportion of a quota in one periodic monthly phase is completed in the succeeding month, it would mean that the second month's total imports would outstrip the limit of 85,000MT. If this limit was imposed so as to avoid excessive duty-free imports overtaking demand and resulting in a drop of price of the rice produce for the local farmers, it is clear that such potentiality affects the Substituted Petitioners' own interest!
26. Both sides, the Substituted Petitioners and the 3<sup>rd</sup> Respondent, agree on the objective of the structured order of the Court, which is to cater for the varied interests of upholding profitable prices for local farmers/businesspeople; ensure availability of the rice of reasonable quality at affordable prices for the consumers; and facilitate the achievement of the Government's mandate of food security. The Court notes the pledge by the the 3rd Respondent/Applicant that it "remains ready and willing to comply with such strict, Court-directed safeguards as may be necessary to preserve the protective purpose of the tranche order, and in particular does not seek to defeat or dilute the said purpose but only to relax the rigid calendar-month limitation with specific quantities within the calendar months."
27. However, on the preponderance of evidence before the Court, together with judicial notice of the ongoing Israel/US-Iran war pursuant to section 60 (o) of the *Evidence Act*, the impracticality of implementation of the order of the Court in the set months of March, April and May 2026 in phased fixed tranches of duty-free imports of 85,000MT within the calendar months is clear. If the Court does not review the order and the implementation of the order, as structured by the Court is not possible, then the Court may sabotage its own orders. The task is, therefore, to review and give effect to the objective of the structured order at the same time.
28. The Court must facilitate the implementation of its own orders and when it is demonstrated that the implementation of the order is impractical in the form and nature it is ordered, it is incumbent on the Court for the enforcement of its own orders/directives to accede to requests for amendment, reviews and alterations as are necessary to support the implementation of the court order. The Court is not functus officio for purposes of review for the reasons set out, or for sufficient reason within the meaning of, Order 45 Rule 1 of the Civil Procedure Rules. There is no need to resort to analogy of the Supreme Court's authority to "make any essential or ancillary orders such as will enable it to sustain its constitutional mandate as the ultimate judicial forum", as in *Board of Governors, Moi High School, Kabarak & another v Bell & 2 others* [2013] KESC 12 (KLR).
29. In this case, to refuse to order is take away the permission given by the Court to import the quantities in support of the Country's food security. The remedy is in reviewing the guardrails against possible flooding of the country rice market with cheap duty-free imports, which affects the prices and demand for local rice produce to the detriment of the local farmers/business people represented by



the Substituted Petitioners. There is “any other sufficient reason” in terms of Order 45(1) of the Civil Procedure Rules to justify the variation of the order of the Court. The Court does not find that there was inculpatory ‘unreasonable delay’ as would defeat a request for review under Order 45 Rule 1 of the Civil Procedure Rules, in the filing of the application for review of the court order of 29/1/2026 by the present application dated 26/2/2026 before the effective date of 1<sup>st</sup> March 2026.

30. It appears to the Court that this application and response thereto was a case of the individual parties to the application pulling each to their ends, but on the same canvas of a mosaic of interests, namely, rice availability and affordable prices, profitable rice production, and national food security. In the circumstances, the Court’s duty is to reconcile these varied interests conscionably and equitably for the greatest benefit of all.
31. The Court finds merit in the application for review on the basis, and sufficient cause, of ensuring impactful implementation of its order to allow the importation of the duty-free rice for achievement of the objectives identified by the Ruling of 29/1/2026.
32. The Court does not, however, change its determination that the duty-free rice importations should go on to fill the shortage gaps in the local production was against the demand. The Court shall only change the mode of implementation, and the date of expiry of order to 30<sup>th</sup> June 2026 as the commencement originally slated for 1<sup>st</sup> of March 2026 has been interrupted by the need to hear and determine this application of 26/2/2026.
33. However, in allowing the application for review, the court is mindful of the consequences of the change. The Court will seek to foster an optimal situation where the Government’s pursuit of availability of affordable rice and resultant food security for the consumers is enhanced, while at the same time the economic interest of the local famers/business people in the rice industry is not drastically and adversely affected by sudden drop in prices and/or demand of their produce.
34. Consequently, the Court will require that the 3<sup>rd</sup> Respondent shall ensure that the importation of the duty-free rice does not result in an abrupt slump in profitability from sudden drop in prices of the various rice grades or by the drop in the demand of locally produced rice due to availability of cheap or cheaper imported rice. The review order of the Court, therefore, is that the 3<sup>rd</sup> Respondent may import duty-free rice to a total of 254,000MT within three months of the date of this order at tranches not exceeding 85,000MT in a span of thirty (30) days, not necessarily corresponding to the calendar months as earlier directed, but to the intent of the protections sought by the court, it is clarified that there shall be not less thirty (30) days from the date of last delivery of importation making the total quota in one tranche to the next. If the importation schedule must extend beyond the three months, in view of the Middle East War and other unforeseen circumstances, there is liberty to apply.
35. In the interests of protection of the adverse consequences of abrupt drop in price/demand of locally produced rice, the Court shall impose a suitable Monitoring, Evaluation and Review (ME&R) framework where the 3<sup>rd</sup> Respondent shall file in Court and serve on the parties monthly reports on the implementation and the effect on prices /demand on local price for possible correction of the importation quotas and Schedule. The court appreciates the M&E proposal inbuilt in Prayer 3 (b) (ii) of the Notice of Motion dated 26/2/2026 that “ii. the Respondents shall file periodic status reports as this Honorable Court may direct to confirm compliance.”

## Orders

36. Accordingly, for the reasons set out above, the Court makes the following orders:



1. The application for review dated is allowed to the effect that the 3<sup>rd</sup> respondent shall facilitate importation of duty-free rice in the total quantity of 254,000MT over the period of three months commencing the date of this order, subject to the guardrails against adverse effects on the farmers, the consumers and Government's mandate on food security, as set out below.
2. The Court grants the order sought in paragraph 3 (b) of the Notice of Motion of 26/2/2026 as prayed, in terms that:
  - “b. Leave be and is hereby granted to the Respondents to continue importing the said balance of 254,000 MT in tranches, as ordered, as soon as practicable, commencing on or after 1st March 2026, without strict limitation to the calendar months of March, April and May 2026, provided that: -
    - i. the aggregate quantity imported under this leave shall not exceed 254,000 MT; and
    - ii. the Respondents shall file periodic status reports as this Honorable Court may direct to confirm compliance.”
3. For avoidance of doubt, the Court clarifies that there is a further Proviso to the above Order, that NOT more than 85,000MT duty-free rice importation shall be made within the same period of thirty (30) days and there shall be Not Less than thirty (30) days from the date of the LAST delivery of importation making a total of 85,000MT tranche to the FIRST delivery of importation under the succeeding tranche. The compliance status reports shall be filed and served on the parties in the Petition every thirty (30) days from the date hereof.
4. There shall be liberty to apply.
5. Costs in the cause.
  1. The Court continues to commend the advocates for the parties in the matter for their diligent application of their professional expertise in the matter.

Order accordingly.

**DATED AND DELIVERED THIS 27<sup>TH</sup> DAY OF MARCH 2026.**

**EDWARD M. MURIITHI**

**JUDGE**

Appearances:

Mr. A. Muge with Mr. Kazungu for the 1<sup>st</sup> Substituted Petitioner.

Mr. Musyoki Musango for the 2<sup>nd</sup> Substituted Petitioner.

Mr. Kaumba with Mr. Kuria for the 1, 2, 5 & 6 Respondents.

Mr. E. Theuri, SC. with Ms. R. Kiunga for the 3<sup>rd</sup> Respondent.

Mr. Ochieng with Mr. Nyaga and Ms. Kahindi for 4<sup>th</sup> and 7<sup>th</sup> Respondents.

