

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI LAW COURTS
JUDICIAL REVIEW DIVISION
JUDICIAL REVIEW APPLICATION NO. E131 OF 2024

REPUBLIC.....APPLICANT

VERSUS

THE REGISTRAR OF SOCIETIES.....RESPONDENT

AND

ADAN MAMO ELEMA.....1ST INTERESTED PARTY

HASSAN TEPO ABODO.....2ND INTERESTED PARTY

HUSSEIN FOLFE KUNO.....3RD INTERESTED PARTY

ABDIKADIR DIDO GUYO.....4TH INTERESTED PARTY

MOHAMED ALI WARIO.....5TH INTERESTED PARTY

GEDOW GOLLO GODANA.....6TH INTERESTED PARTY

MOHAMED ABUDURA GUYO.....7TH INTERESTED PARTY

AND

HUSSEIN INTALO LAFA.....1ST EX APPLICANT

ALIO TEPE ABUDO.....2ND EX APPLICANT

RULING ON APPLICATION FOR CONTEMPT

1. Before this Court is the Notice of Motion application dated 29th November 2025. It is supported by the affidavit of Hussein Intalo Lafa sworn on even date. The application seeks the following orders;

1. THAT leave be granted to the firm of RSG Law Advocates LLP to come on record after entry of judgement.

2. THAT this Honourable Court be pleased to cite the Registrar of Societies for contempt of the Orders of this Court issued on 7th

July 2025 directing the Registrar to supervise fresh elections of Marsabit Sakuye Council of Elders within sixty (60) days strictly in accordance with the Society's Constitution, the Societies Act and upon notifying all eligible members and to ensure that the said elections are conducted in a transparent and lawful manner.

3. THAT this Honourable Court be pleased to punish the Registrar of Societies for contempt of court by imposing such sanctions as the Court deems fit including committal to civil jail and/or payment of a fine.

4. THAT an order of certiorari be issued to bring to this court and quash the decision of the Registrar of societies communicated in the letter dated 1st September 2025 effecting the change of officials of Sakuye Council of Elders.

5. THAT this Honourable Court do issue such further or other orders as may be just to uphold the authority of this Court and safeguard the rule of law.

2. The application before this court stems from its judgment dated 7th July 2025 directing as follows;

“53. Accordingly, an order of Certiorari is hereby issued to bring into this Court and quash the decision of the Registrar of Societies communicated in the letter dated 8th December 2023, effecting the change of officials of Marsabit County Sakuye Council of Elders.

54. An order of Mandamus is hereby issued compelling the Registrar of Societies to oversee and facilitate the holding of fresh elections of officials of Marsabit County Sakuye Council of Elders, in strict compliance with the society's constitution and the Societies Act (Cap. 108), and to register the elected officials thereafter in accordance with the law and within the statutory timelines.

55. The Registrar of Societies shall ensure that all eligible members of the society are notified of the fresh elections and that the same is conducted in a transparent and lawful manner within sixty (60) days from the date of this judgment which has been delivered offline on account of the saba saba unrest this 7/7/2025, which made it impossible for the Judge and staff to access the Court House at Milimani Law Courts. The judgment shall therefore be uploaded to the Case Tracking System for access by the parties.”

3. The Applicants assert that the Registrar of Societies is in contempt of this Court's orders because she took no action to comply with the court orders prompting their advocate to write to her on 15th July 2025.
4. That on 21st August 2025, the Registrar sent two representatives to Marsabit County who according to the Applicants, proceeded to actively engage in and oversee registration of new members to the society despite protests from the applicants and the other eligible members of the society

and that after discarding the list of members that were presented to the Registrar and her team.

5. It is averred that soon after the registration of the new members, the Registrar's representatives called for elections on the same day without the newly registered members having paid any entrance fee nor there being any scrutiny of their eligibility or the sanctity of the voters' register.
6. The Applicants contend that the Registrar's representatives then proceeded to order for voting by que system without engaging the applicants or any of the other contestants, and that they only engaged the Interested Parties, whom the Registrar is said to have then declared as duly elected after shutting out from participating in the elections, all other members of the society, despite having protests on the manner of compliance with the court orders as contained in the aforesaid judgement.
7. The Applicants claim that their advocate promptly wrote to the Registrar on 22nd August 2025, complaining on the manner in which the Registrar was complying with the court orders, but that the Registrar went ahead and registered the Interested Parties as the officials of the society, **Marsabit County Sakuye Council of Elders.**
8. The applicants contend that if the Registrar was of the view that the orders could not be complied with for any reason, including the alleged legal lacuna, she should have halted the exercise and sought further

orders and directions from this Court. The Applicants therefore maintain that the Registrar of Societies is in breach and contravention of the court orders and should be punished accordingly.

The Respondent's Replying Affidavit

9. Opposing the application, the Respondent Registrar of Societies filed a replying affidavit sworn on 26th January 2026. She deposes that she adhered to all the orders issued by this Court on 7th July 2025 by strictly complying with the provisions of the Societies Act and the **Marsabit Sakuye Council of Elders** constitution.
10. According to the respondent, on 4th August 2025, she was served with a Notice duly issued by the applicants, giving a twenty-one (21) day Notice dated 31st July 2025 duly signed by the 2nd Applicant, which Notice was convening the Annual General Meeting of the Marsabit Sakuye Council of Elders Society to be held on 21st August, 2025 at the Chief's Compound in Dabel Moyale. The Notice is said to have been issued in compliance with **Article 8(b) (1)** of the Society's constitution.
11. That two officers from the Respondent's office were dispatched to Dabel, Marsabit County to oversee the elections and ensure strict compliance with the Marsabit Sakuye Council of Elders Society's constitution and the Societies Act. That during a security briefing meeting held on 21st August, 2025 at the Deputy County Commissioner's office, the 1st and 2nd

Applicants assured that the Notice dated 31st July 2025 was circulated to all members.

12. The Respondent contends that it was unanimously agreed by the 1st and 2nd Applicants, the Respondent's officers and the Government officials present at the Deputy County Commissioner's office that if quorum for the Annual General Meeting was met, that would be sufficient proof that the Notice calling the AGM was circulated beforehand. It is urged that the Applicants' lack of acknowledgement of the said notice issued and signed by the 2nd Applicant is adequate proof that they are not moving the court with clean hands.

13. The Respondent further states that on 21st August 2025, two officers from the Respondent's office were accompanied by the Moyale Sub-county's Officer Commanding Police Division (OCPD) as they travelled to the Chief's Compound in Dabel to oversee the election process and ensure its compliance with the Society's constitution and Societies Act.

14. According to the Respondent, the 1st and 2nd Applicants then abandoned the the designated venue for the Annual General Meeting at the Chief's Compound in Dabel, as per the notice issued and signed by the 2nd Applicant and instead, they went and convened a separate meeting at a nearby school. That access to the school was restricted on their instructions, though the OCPD later intervened to gain entry.

15. It is urged that at the said school venue, the Applicants presented a list of 45 individuals whom they claimed were the only valid members of the Association, a position they maintained despite lacking support of the Society's constitution. The Respondent contends that the Applicants were advised that their actions including leaving the designated venue as per their notice, conducting a parallel meeting contrary to the notice, restricting access, and attempting to limit membership were in bad faith, contrary to the law and the notice issued by the 2nd Applicant, which actions undermined transparency envisaged in the Court order.
16. The respondent contend that the Applicants disregarded advice, left Dabel, and ceased communication with government officials present. Consequently, that the applicants and their supporters did not participate in the AGM of their own volition.
17. That in compliance with the court order in **Nairobi HCJR/2024, Hussein Intalo Lafa & Alio Tepo Abudo vs The Registrar of Societies and Adan Mamo Elema & others**, the Respondent properly oversaw the conduct of the society's AGM at the designated venue, ensuring adherence to the Societies Act and the Society's constitution. It is the Respondent's case that approximately 500 members attended, quorum was achieved and that eligible members were as defined by the Respondent as being Kenyan adults above 18 years who were verified using national identification cards.

18. The Respondent also states that the constitution of the society was silent on the voting method hence, members agreed to vote by queuing behind their preferred candidates. The Applicants, it is urged were absent by choice during the election process and that the Respondent's officers subsequently compiled a report on the proceedings and registered the elected officials who were the Interested Parties herein, in accordance with the court's directions and within the prescribed statutory timelines.

The Interested Parties' Replying Affidavit

19. The Interested Parties filed a replying affidavit sworn on 27th January 2026 by the 1st Interested Party, on behalf of the other Interested Parties, deposing that the Applicants are guilty of material non-disclosure and misrepresentation, having concealed their own conduct in an attempt to frustrate the implementation of the court-ordered elections. It is deposed that the present application is misconceived, as it improperly frames the Applicants' dissatisfaction with the implementation of the judgment as contempt proceedings, while also irregularly seeking orders of certiorari without leave and on matters already determined by this Court.

20. The Interested Parties maintain that the Registrar of Societies fully complied with the court's directives by supervising the AGM held on 21st August 2025 at Dabel, pursuant to a valid notice issued by the Applicants themselves. That during the meeting, the Applicants unsuccessfully

attempted to restrict participation to a list of 45 persons, contrary to the Society's constitution. However, that the reasoning of the Applicants was illogical as the constitution of the Society is clear on membership and who is eligible to vote.

21. According to the Interested Parties, even if the constitution of the society provides for paid up members, there was no record of payments maintained by the Applicants to assist in distinguishing paid up and non-paid-up members and that therefore all the members of the clan who were above the age of 18 years were allowed to participate in the Annual General meeting, and that instead, the applicants rejected this proposal and abandoned the Annual General Meeting and convened a parallel meeting elsewhere.

22. Further deposition is that despite the applicants boycotting of the AGM, the Meeting proceeded lawfully as per the notice issued by the 2nd applicant, with about 500 eligible members, elections were conducted transparently and officials were duly elected and registered. The Interested Parties contend that the Applicants acted in bad faith, cannot rely on contempt after deliberately excluding themselves and that their application for contempt of court orders is an abuse of the court process, lacking merit and effectively amounting to a backdoor appeal against the election outcome.

Submissions

23. The application was canvassed by way of oral submissions made before the Court on 11th February 2026.
24. Mr. Suge counsel for the Applicants submitted, reiterating the contents of the application and affidavit in support. He relied on the case of **Econet Wireless vs Minister of Communication [2005] eKLR** on the dignity and authority of the court to be upheld at all times, and submitted that the elements of contempt of court had been established. Further, that the registration of officials of the society was done despite protests from the Applicants. He submitted that the applicants never signed minutes which were made, which minutes are subject of criminal proceedings.
25. Ms. Zahra counsel for the Respondent submitted, reiterating the Respondent's replying affidavit, and urged that the society's constitution does not provide eligibility of membership to be approved by the clans hence that list of the applicants could not be considered.
26. She argued that the members who voted were all 18 years of age from Dabel, Marsabit County, and that those that had their identity cards showing that they came from elsewhere, were not allowed to vote.
27. On the supplementary affidavits filed by the applicants, she submitted that the Applicants claimed that documents, which is an annexed affidavit marked 'ATB2' was forged, which affidavit was sworn before judgment of the court of 7th July 2025 was delivered. It was her submission that the affidavit was sworn on 15th September 2023 and that she had annexed the

entire report explaining what happened when the Respondent's officers went to supervise the elections.

28. Mr. Opini counsel for the Interested Parties submitted that the Interested Parties had not been served with any supplementary affidavit and that no leave of court was sought and granted to file the same. He prayed that the supplementary affidavit filed by the applicants be expunged from the record. He submitted that the burden of proof lies on the Applicants to demonstrate that the society's constitution was not followed. Further, that Members adopted the que system which was transparent. He argued that there was no alternative method suggested by the Applicants and that the elections were peaceful and transparent.

29. Counsel for the interested parties urged that Certiorari is a Judicial Review remedy and that as such, it cannot be sought in the instant contempt of court proceedings. He submitted that certiorari can only be sought in a fresh cause of action, and that the Applicants cannot rely on the leave granted which is spent to seek for certiorari in the same proceedings, after judgment hence the prayer for certiorari is res-judicata.

30. In a brief rejoinder, Mr. Suge submitted that every society has a register kept by the Secretary and that the Registrar could not use a wide range of members to vote. On receipts for payments, he stated that the list as approved by the committee had members. Further, that if the notice was accepted then the list should also have been accepted.

Analysis and Determination

31. I have considered the application and supporting affidavit as well as the replying affidavits and oral submissions made by counsel for the parties.

In my view, the only issue for determination is whether or not the orders sought can issue. There are other questions that this court will endeavour to resolve.

32. The first question is that of leave for counsel to come on record. The firm of Advocates presently appearing for the Applicants have sought leave to come on record after judgment has already been entered. I have considered that prayer in light of Order 9 Rule 9 of the Civil Procedure Rules, which requires that such change of advocates post-judgment be effected only with leave of the court or by consent between the outgoing and incoming advocates. The purpose of this provision is to safeguard the interests of the advocate previously on record, particularly in respect of costs and to ensure orderly conduct of judicial proceedings.

33. In my view, the application for leave for RSG Law Advocates LLP to take over these proceedings after judgment has been properly sought and that no prejudice will be occasioned to any party or to the advocate previously on record as there is no indication that the change of advocates is intended to defeat any claim for costs or otherwise obstruct the course of justice. In the circumstances, and in the interest of substantive justice, I

hereby grant leave to the said firm of Advocates to come on record for the Applicants.

34. The next question is whether the supplementary affidavits filed by the Applicants ought to be expunged from the record, the same having been filed without leave of the court, and with no evidence that the same was served upon the Interested Parties.

35. The Applicants do not deny that the two supplementary affidavits on record both sworn 9th February 2026 were filed without leave of this Court and further, that the same were never served upon the Interested Parties as indicated during oral submissions. This Court observes that once parties have filed their main affidavits, any subsequent affidavit may only be introduced with the leave of the court, and must in all instances be duly served upon the adverse parties to afford the opposing party an opportunity to respond thereto.

36. In this case, there is no leave sought and obtained by the applicants to file the supplementary affidavits, not even during the oral submissions and the said affidavits were never served upon the adverse parties. The failure to obtain leave renders the affidavit improperly on record, while the failure to effect service is a trial by ambush, thereby violating the adverse parties' right to a fair hearing as guaranteed under Article 50(1) of the Constitution. In the circumstances, and there being no justification advanced for failure to seek and obtain leave and to serve the filed

supplementary affidavits, the sneaked in supplementary affidavits filed by the applicants are hereby struck out and expunged from the court record.

37. The next question for determination is whether the Applicant's application is competently before this Court. The procedure existing before the enactment of the Contempt of Court Act which Act was declared unconstitutional was restated by the Court of Appeal in **Christine Wangari Gachege v. Elizabeth Wanjiru Evans & 11 Others [2014] KECA 840 (KLR)**. In that case, the Court found that Rule 81.4 of the English Civil Procedure Rules is the one that deals with breach of judgment, order or undertaking. The English law on committal for contempt of court was applied by virtue of section 5(1) of the Judicature Act which provided that:

“The High Court and the Court of Appeal shall have the same power to punish for contempt of court as is for the time being possessed by the High Court of Justice in England, and that power shall extend to upholding the authority and dignity of subordinate courts”.

38. Following the implementation of the famous Lord Woolf's "**Access to Justice Report, 1996,**" The Rules of the Supreme Court of England are gradually being replaced with the Civil Procedure Rules, 1999. On 1.10.2012, the Civil Procedure (Amendment No.2) Rules, 2012 came into force and Part 81 thereof effectively replaced Order 52 RSC in its

entirety. Part 81 (Applications and Proceedings in Relation to Contempt of Court) provides different procedure for four different forms of violations.

39. Rule 81.4 relates to committal for *"breach of a judgement, order or undertaking to do or abstain from doing an act."*

Rule 81.11- Committal for "interference with the due administration of justice" (applicable only in criminal proceedings

Rule 81.16- Committal for contempt "in the face of the court"), and

Rule 81.17- Committal for "making false statement of truth or disclosure statement."

40. In **Christine Wangari Gachege v Elizabeth Wanjiru Evans & 11 others** the Court of Appeal held that leave of court is not required where committal proceedings relate to a breach of a judgement, order, or undertaking. The Court of Appeal stated as follows:

"It is clear from this summary that leave, now called "permission" is not required where committal proceedings relate to a breach of a judgment, order or undertaking. That position must be contrasted with the requirement in Rules 81.12 – committal "for interference with the due administration of justice" and 81.17 – Committal "for making a false statement of Truth or disclosure statement" where, in the former it is expressly provided that:-

“The application for permission to make a committal application must be made by a part 8 claim form.....”

And in the case of the latter,

“A committal application in relation to a false statement of truth or disclosure statement in connection with proceedings in the High Court, a Divisional Court or the Court of Appeal, may be made only;

a) with the permission of the Court dealing with the proceedings in which the false statement or disclosure statement was made.....”

We find on the basis of the new Civil Procedure Rules (of England) which are now contained in the Second Supplement to the 2012 White Book that no leave is required before bringing an application, like the one before us, for committal for contempt relating to breach of this court’s order. The application is for that reason, incompetent and is struck out with costs.”

41.In **Shimmers Plaza Limited v National Bank of Kenya Limited** [2015] KECA 945 (KLR) case, the Court of Appeal citing the above **Christine Wangari Gachege v Elizabeth Wanjiru Evans & 11 others** case stated as follows:

Before we conclude, we would like to state that contrary to the averment by the respondent herein that the application is bad in law for lack of leave to institute contempt of court proceedings, under the new Civil Procedure Rules of England (2012) which as stated earlier still apply in respect of contempt of court proceedings in this country, leave of the court before institution of an application such as this is no longer necessary. (See also this Court’s ruling in Christine Wangari Gachege v Elizabeth Wanjiru Evans & 11 others). (Supra)”

42. Accordingly, I hold that no leave to apply for contempt of court orders was necessary in these proceedings.

43. On the merit of the application, being, whether the orders sought are merited, the **Black’s Law Dictionary (9th Edition)** defines contempt as:

“Conduct that defies the authority or dignity of a court. Because such conduct interferes with the administration of justice, it is punishable usually by fine or imprisonment.”

44. The Applicants’ case for contempt is premised on the allegation that the Registrar of Societies failed to comply with the judgment of this Court delivered on 7th July 2025, particularly the directive to supervise fresh elections within sixty (60) days in strict conformity with the **Marsabit**

Sakuye Council of Elders constitution, the Societies Act, and in a transparent and lawful manner.

45. The applicants contend that although representatives of the Registrar were present on 21st August 2025, they acted in breach of the Court's orders by allegedly registering new members on the spot, disregarding the Applicants' list of members, adopting an unprocedural method of voting, and excluding certain contestants, thereby rendering the entire process unlawful. It is their position that such conduct amounts to deliberate disobedience of a clear court order and warrants the sanction for contempt by this Court, in addition to the quashing of the decision registering the Interested Parties as officials of the society.

46. The Respondent on the other hand, maintains that there was full compliance with this Court's order. She asserts that the Annual General Meeting was convened pursuant to a valid notice issued by the 2nd Applicant himself. Further, that the Registrar deployed officers to supervise the elections and that the process was conducted at the designated venue with the participation of approximately 500 members, thereby meeting quorum.

47. The Respondent denies any registration of new members, asserting instead, that all eligible members defined under the society's constitution as Kenyan adults above 18 years were verified using identification documents and were allowed to participate in elections. It is further

contended that the Applicants disrupted the process by attempting to restrict participation to a list of 45 individuals, and that upon their proposal being rejected, the applicants abandoned the Annual General Meeting and convened a parallel meeting elsewhere, thereby excluding themselves from the lawful process.

48. The Interested Parties associate themselves with the Respondent's position and add that the Applicants are guilty of material non-disclosure, having failed to disclose their own conduct in frustrating the elections. They argue that the application is misconceived, as it seeks to convert dissatisfaction with the manner of implementing the Court's judgment into a claim for contempt, while also improperly seeking orders of certiorari without leave and on matters already determined.

49. According to the Interested Parties, the elections were conducted transparently and in compliance with both the Court's order and the applicable legal framework and that the Applicants cannot invoke contempt jurisdiction after voluntarily boycotting the process.

50. It is important to highlight that contempt of court orders encompasses conduct that threatens or compromises the proper administration of justice and extends beyond mere enforcement of court orders. Superior courts possess the authority to punish parties who disregard or defy court directives, a critical power necessary to preserve the Court's dignity, authority, and integrity. When a Court of law is asked to sanction an

alleged contemnor, it acts not only to vindicate the rights of the successful litigant but also to uphold the broader public interest in maintaining the rule of law.

51. In **Stewart Robertson vs Her Majesty's Advocate, 2007 HCAC63 (Scotland)**, Lord Justice Clerk emphasized that:

“Contempt of court is constituted by conduct that denotes willful defiance of or disrespect towards the court or that willfully challenges or affronts the authority of the court or the supremacy of the law, whether in civil or criminal proceedings.”

52. Similarly, in **Kenya Tea Growers Association vs Francis Atwoli & 5 Others [2012] eKLR**, Lenaola J (as he then was) cited **Clarke and Others vs Chadburn & Others [1985] 1 All E.R (PC) 211**, noting:

“I need not cite authority for the proposition that it is of high importance that orders of the courts should be obeyed, willful disobedience to an order of the court is punishable as a contempt of court, and I feel no doubt that such disobedience may properly be described as being illegal... even if the Defendants thought that the injunction was improperly obtained or too wide in its terms, that provides no excuse for disobeying it. The remedy is to vary or discharge it.”

53. On the importance of contempt proceedings, the Court in **Econet Wireless Ltd vs Minister for Information & Communication of Kenya & Another [2005] eKLR** held that:

“Where an application for committal for contempt of court orders is made the court will treat the same with a lot of seriousness and urgency and more often will suspend any other proceedings until the matter is dealt with and if the contempt is proven to punish the contemnor or demand that it is purged or both. For instance, an alleged contemnor will not be allowed to prosecute any application to set aside orders or take any other step until the application for contempt is heard. The reasons for this approach are obvious- a contemnor would have no right of audience in any court of law unless he is punished or purges the contempt.”

54. Having considered the rival positions on this question of whether contempt of court has been established, I reiterate that contempt of court proceedings are quasi-criminal in nature, and the threshold for their proof is higher than on a balance of probabilities. An applicant must demonstrate the existence of a clear and unambiguous court order, knowledge of that order by the alleged contemnor and, most critically, wilful and deliberate disobedience of the court order. It is not sufficient to

show that the order was imperfectly implemented or that there exists a disagreement as to the manner of compliance.

55. In the present case, there is no dispute as to the existence of this Court's orders or the Respondent's knowledge thereof. The central question is whether the Respondent acted in wilful disobedience. From the material placed on record, it is evident that the Respondent took steps towards compliance by facilitating the convening of the AGM based on the notice issued by the 2nd applicant, deploying officers to supervise the elections, ensuring the presence of security personnel and overseeing a voting process at which a substantial number of members participated.

56. The Applicants' grievance largely relates to the manner in which the elections were conducted particularly on voter eligibility, the rejection of their proposed list, and the method of voting adopted. These issues, while not trivial, fall within the realm of implementation and procedural propriety and do not, by whatever means, demonstrate a deliberate refusal to comply with this Court's orders.

57. Further, uncontroverted evidence on record is that the Applicants withdrew from the designated venue and convened a parallel meeting, thereby declining to participate in the process supervised by the Respondent. In those circumstances, it is difficult to attribute any alleged lack of inclusivity or transparency solely to the Respondent. A party who

voluntarily absents himself from a court-sanctioned process cannot sustain a claim that the process was conducted in contempt of court.

58. This Court is therefore not satisfied that the high threshold for contempt of court orders has been met. What emerges is a dispute over the propriety and legality of the electoral process, as opposed to proof of wilful disobedience of a court order. The appropriate remedy in such circumstances would lie in challenging the outcome of the elections through the proper legal means and not invoking this Court's contempt jurisdiction.

59. Turning to the prayer for an order of certiorari, the Applicants seek orders to quash the decision of the Registrar communicated on 1st September 2025 registering the interested parties as office bearers of the Marsabit Sakuye Council of Elders society, subject of these proceedings. However, judicial review remedies, including certiorari, as governed by the procedural frameworks, whether under Order 53 of the Civil Procedure Rules or the Fair Administrative Action Act and Rules cannot be sought in proceedings other than freshly initiated proceedings either under Order 53 (1) of the Civil procedure Rules by way of chamber summons for leave to apply, or by way of Originating motion as stipulate din the 2024 Fair Administrative Action Rules.

60. These procedural requirements under the two legal regimes are not mere technicalities. A party, in contempt proceedings, cannot seek certiorari,

which is a substantive judicial review remedy. Accordingly, the prayer for certiorari is found to be incompetent and cannot be sustained. It is hereby declined and dismissed.

61. In the end, I find the applicants' application dated 29th November 2025 to be devoid of merit and the same is hereby dismissed in its entirety.

62. Each party to bear their own costs.

63. This file is closed.

64. It is so ordered.

Dated, Signed and Delivered virtually at Nairobi this 25th Day of March 2026

**R.E. ABURILI
JUDGE**