

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
CONSTITUTIONAL AND HUMAN RIGHTS DIVISION

PETITION NO.E573 OF 2025

IN THE MATTER OF THE ALLEGED CONTRAVENTION OF ARTICLES 1, 2, 3, 10,
23, 27, 47, 48, 50, 55, 118, 159, 165, 258, 259, 260 OF THE CONSTITUTION
OF KENYA, 2010

AND

IN THE MATTER OF CONSTITUTION OF KENYA (PROTECTION OF RIGHTS AND
FUNDAMENTAL FREEDOMS) PRACTICE AND PROCEDURE RULES 2013

AND

IN THE MATTER OF THE ALLEGED CONTRAVENTION OF STANDING ORDER 145
OF THE SENATE STANDING ORDERS

AND

IN THE MATTER OF THE ALLEGED CONTRAVENTION OF SECTIONS 3 AND 4 OF
THE FAIR ADMINISTRATIVE ACTION ACT

BETWEEN

THE OVERSIGHT LAB.....1ST PETITIONER
DAVID MUTERU.....2ND PETITIONER
WYCLIFFE ALUTALALA.....3RD PETITIONER
NAFTALI ANDATI WAMBALO.....4TH PETITIONER
JAMES OYANGE.....5TH PETITIONER
BEREKET AFEWERKI TSEGAY.....6TH PETITIONER
DANIEL ONWAONGA MANGA.....7TH PETITIONER
CALVINCE OKUMU.....8TH PETITIONER
NYARIKI ONDIEKI DENNIS.....9TH PETITIONER

JOAN KINYUA.....10TH PETITIONER
KAUNA IBRAHIM MALGWI.....11TH PETITIONER
EPHANTUS KANYUGI.....12TH PETITIONER
MICHAEL ASIA.....13TH PETITIONER
JATANI HUSSEIN JATANI.....14TH PETITIONER

LUCY NGONYO KARANJA.....	15 TH PETITIONER
JULIET WANJIKU.....	16 TH PETITIONER
ABDULLAHI GULIYA ADAN.....	17 TH PETITIONER
HASSAN ALKANO.....	18 TH PETITIONER
ADDNA IBRAHIM HAJI.....	19 TH PETITIONER
LUBEGA EDWARD.....	20 TH PETITIONER
JOSHUA OOKO.....	21 ST PETITIONER
FELIX OTIENO MURUKA.....	22 ND PETITIONER
ALEWIYA MOHAMMED.....	23 RD PETITIONER
WILBERFORCE APUNGU.....	24 TH PETITIONER
TIKKY OLANG'O.....	25 TH PETITIONER
MERCI CHIMWANI.....	26 TH PETITIONER
FRANK MUGISHA.....	27 TH PETITIONER
EPHREM KIRUBEL MIHRETEAB.....	28 TH PETITIONER
CIELLA B IDAMBONA.....	29 TH PETITIONER
MUSA ABUBAKAR.....	30 TH PETITIONER
ROSS KAGOSHE.....	31 ST PETITIONER
TUYISHIMIRE MARIE IRENE.....	32 ND PETITIONER
MEAZA SHURA YADECHA.....	33 RD PETITIONER
ARIANE HOGOZA.....	34 TH PETITIONER
KELVIN NGILA.....	35 TH PETITIONER
BEREKET AFEWERKI TREGAY.....	36 TH PETITIONER

VERSUS

THE SENATE.....	1 ST RESPONDENT
THE SPEAKER OF THE SENATE.....	2 ND RESPONDENT
THE HON. ATTORNEY GENERAL.....	3 RD RESPONDENT

AND

THE NATIONAL ASSEMBLY.....	1 ST INTERESTED PARTY
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JUDGMENT

INTRODUCTION

1. This Petition arises from the enactment by the Senate of the Business Laws (Amendment) Bill (Senate Bill No. 51 of 2024), which the Petitioners contend was passed in a manner that is constitutionally defective and procedurally flawed. The Petitioners aver that, notwithstanding their submission of memoranda and recommendations on behalf of tech workers, ride-hailing drivers, content moderators, and other digital workers, the Senate Standing Committee on Trade, Industrialization, and Tourism failed to table any report on public participation or to facilitate hearings or stakeholder engagement forums. The Bill nonetheless progressed through the Committee of the Whole on 21st July 2025 and was passed at Third Reading on 7th August 2025 without amendment, thereby, in the Petitioners' view, rendering the process a mere formality devoid of meaningful public participation. The Petition is anchored on alleged violations of Articles 10, 27, 47, 48, 50, 94, and 118 of the Constitution, as well as Senate Standing Orders 145 and 148, and seeks, inter alia, declaratory reliefs, orders of certiorari, injunctive relief, and damages for the alleged infringement of constitutional rights.
2. Concurrently, the Petitioners have filed the present application seeking, inter alia, conservatory orders to forestall the transmission and consideration of the impugned Bill by the National Assembly pending the hearing and determination of the Petition. It is contended that the grant of the orders sought will occasion no prejudice to the Respondents or any Interested Party, whereas any refusal or delay would result in irreparable harm by extinguishing the Petitioners' right to effective redress and undermining the constitutional imperative of public participation in the legislative process. The application is supported by the affidavit of Mercy

Mutemi, Advocate for the Petitioners, who depones that the impugned Bill was passed on 7th August 2025 without public participation and is imminently due for transmission to the National Assembly upon the Senate's resumption, with the National Assembly likewise scheduled to consider the same shortly thereafter, thereby underscoring the urgency and necessity of this Honourable Court's intervention in the interests of justice and the preservation of constitutional governance.

3. The Respondents oppose the Petition on multiple grounds. The Senate and the Speaker contend that the Petition is premature, speculative, and an affront to the legislative authority of Parliament, which retains exclusive law-making power under Articles 94 and 96. They submit that the Bill remains subject to the National Assembly's consideration and that judicial intervention at this stage would violate the doctrines of separation of powers and ripeness. The Honorable Attorney-General echoes these submissions, emphasizing the presumption of constitutionality enjoyed by the Bill and the absence of imminent threat to life or limb justifying interim relief. The National Assembly similarly submits that the Court lacks jurisdiction under Article 165 to adjudicate a legislative proposal that has not been enacted into law, and that the Petition is speculative, premature, and founded on assumptions regarding its future consideration of the Bill.
4. The principal issues for determination in this Petition are whether this Court has jurisdiction to intervene at this stage in the legislative process, whether the passage of the Bill by the Senate complied with the constitutional requirements of Articles 10 and 118, and whether the Petitioners are entitled to the declaratory and injunctive relief sought.

These issues require a careful balancing of the Petitioners' fundamental rights against the constitutional design and autonomy of Parliament, taking into account the doctrines of ripeness, constitutional avoidance, and separation of powers.

THE PETITIONERS' CASE

5. The Petitioners contend that the Senate's passage of the Business Laws (Amendment) Bill (Senate Bill No. 51 of 2024) was conducted in a manner that is fundamentally unconstitutional, procedurally defective, and in breach of their fundamental rights. Central to the Petitioners' case is the assertion that the Senate failed to comply with the mandatory constitutional requirement of meaningful public participation under Articles 10 and 118 of the Constitution. The Petitioners maintain that although the Bill was published and memoranda were submitted by tech workers, ride-hailing drivers, content moderators, and other digital workers, the Senate Standing Committee on Trade, Industrialization, and Tourism neither convened public hearings nor tabled a report on public participation for consideration by the House. Consequently, the Bill proceeded through Second Reading, the Committee of the Whole, and Third Reading, without amendments reflecting stakeholders' input, thereby rendering the process purely formalistic and denying affected parties a substantive opportunity to engage with the legislative process.
6. The Petitioners further assert that the Bill was influenced and effectively drafted by foreign technology companies and their Business Process Outsourcing (BPO) agents, with explicit endorsement from the President

of the Republic, thereby undermining Parliament's constitutional legislative authority under Article 94. The Petitioners highlight that Clause 10 of the Bill seeks to shield multinational companies from liability for their operations in Kenya, transferring accountability solely to BPOs, in direct contravention of existing judicial precedent and the rights of Kenyan and foreign workers. Affidavits from the Petitioners, including Mercy Mutemi (1st Petitioner), David Muteru (2nd Petitioner), Naftali Andati Wambalo (4th Petitioner), Kauna Ibrahim Malgwi (5th Petitioner), and Joan Kinyua (10th Petitioner), detail exploitative conditions faced by tech and digital workers, including exposure to harmful content, arbitrary deactivation, systemic underpayment, lack of social protections, and denial of avenues for legal redress. These affidavits emphasize that the Bill entrenches corporate immunity, exacerbates vulnerabilities, and diminishes access to justice for workers whose livelihoods and well-being are directly affected by the legislation.

7. The Petitioners argue that the Senate's conduct violates constitutional principles of transparency, accountability, inclusivity, equality, non-discrimination, and fair administrative action. They contend that Standing Orders 145 and 148, which require committees to facilitate public participation, consider stakeholders' views, and table reports within thirty days, were blatantly disregarded. In consequence, the Petitioners submit that Standing Order 148(2), to the extent that it permits the Senate to proceed to Second Reading without a public participation report, is unconstitutional.

8. In further support, the Petitioners assert that the harm arising from the unconstitutional passage of the Bill is real, substantive, and irreparable. They contend that judicial intervention at this stage is necessary to prevent the continuation of constitutional violations, as the Bill's transmission to the National Assembly would otherwise legitimize the Senate's disregard of procedural obligations. The Petitioners also emphasize that the doctrines of constitutional avoidance and separation of powers do not preclude the Court from intervening, as no alternative mechanism exists to remedy the violation and the matter concerns the enforcement of mandatory constitutional provisions rather than legislative policy choices.

9. Accordingly, the Petitioners seek declaratory orders confirming that the Bill was passed unconstitutionally, certiorari to quash the Senate proceedings and decision to pass the Bill without amendments, a permanent injunction restraining the Senate, its leadership, and the National Assembly from taking further action on the Bill, and orders for general and exemplary damages for the violation of constitutional rights. They further seek an order declaring Standing Order 148(2) unconstitutional to the extent it allows the Senate to proceed without tabling a public participation report. In essence, the Petitioners invite the Court to affirm the supremacy of the Constitution, safeguard the rights of affected workers, and ensure that the legislative process adheres to the standards of transparency, inclusivity, and accountability mandated by law.

THE RESPONDENTS' CASE

10. The Respondents uniformly oppose the Petition on grounds that the Court lacks jurisdiction to intervene in the legislative process at the present stage, and that the Petition is premature, speculative, and procedurally inappropriate.

11. The 1st and 2nd Respondents, the Senate and the Speaker of the Senate, submit that the Petitioners have failed to demonstrate the prerequisites for the grant of conservatory or interim relief, as established in ***Gatirau Peter Munya v Dickson Mwenda Kithinii & 2 others [2014] eKLR***. In particular, they contend that the Petitioners have not established (i) a prima facie case with a likelihood of success, (ii) a threat of irreparable prejudice, (iii) that the Petition would be rendered nugatory without relief, or (iv) that it is in the public interest to grant such orders. The Respondents emphasize that Article 94 vests exclusive legislative authority in Parliament, while Article 96(2) empowers the Senate to participate in the law-making process by considering, debating, and approving Bills concerning counties. The impugned Bill, having been passed by the Senate and transmitted to the National Assembly pursuant to Article 109(4), remains subject to further parliamentary deliberation. Accordingly, any judicial intervention at this stage would constitute an affront to Parliament's legislative mandate and contravene the doctrines of ripeness, separation of powers, and constitutional avoidance, as recognized in ***Munga v Kenya Maritime Authority & another [2024] KEELRC 2740*** and ***Mate & another v Wambora & another [2017] KESC 1***. The Respondents further contend that the Petition is premature and speculative, as no harm has occurred, the Bill has not been assented to,

and the National Assembly retains discretion to amend, reject, or otherwise alter the Bill. They assert that the Court may still exercise jurisdiction under Article 165(3)(d) if and when the Bill becomes law, but intervention at this stage is unwarranted and constitutes an abuse of process.

12. The Attorney-General similarly opposes the Petition, asserting that the matter is not ripe for adjudication as the Bill remains under active consideration in Parliament. He submits that judicial intervention is inappropriate because the Petition concerns a legislative proposal that has not completed the parliamentary cycle. The Attorney-General emphasizes that the Bill enjoys a presumption of constitutionality, and that the Petitioners have not demonstrated any imminent threat to life or limb. Further, the allegation that Petitioners were denied participation in the legislative process is misplaced, as public engagement under Article 118 and relevant Standing Orders occurs when a Bill is before each House for deliberation, and the Bill has yet to be considered by the National Assembly. Consequently, he urges that the Petition be dismissed as lacking merit.

THE 1ST INTERESTED PARTY'S CASE

13. The Attorney-General similarly opposes the Petition, asserting that the matter is not ripe for adjudication as the Bill remains under active consideration in Parliament. He submits that judicial intervention is inappropriate because the Petition concerns a legislative proposal that has not completed the parliamentary cycle. The Attorney-General emphasizes that the Bill enjoys a presumption of constitutionality, and

that the Petitioners have not demonstrated any imminent threat to life or limb. Further, the allegation that Petitioners were denied participation in the legislative process is misplaced, as public engagement under Article 118 and relevant Standing Orders occurs when a Bill is before each House for deliberation, and the Bill has yet to be considered by the National Assembly. Consequently, he urges that the Petition be dismissed as lacking merit.

14. The 1st Interested Party, the National Assembly, contends that the High Court lacks jurisdiction under Article 165 to adjudicate a petition directed at a legislative proposal that is pending before Parliament. The National Assembly argues that judicial review under Article 165(3)(d)(i) is confined to laws that have been enacted, not legislative proposals whose content is still subject to amendment or rejection. It emphasizes that allowing intervention at this stage would undermine the bicameral legislative design under Articles 93 and 95, pre-empt the constitutional process, and deny the public an opportunity to engage in the National Assembly's consideration of the Bill. The National Assembly maintains that any claim against it is speculative and premature, as no unconstitutional act or omission has yet occurred. The doctrine of ripeness requires that courts defer adjudication until the legislative process is complete, and comparative jurisprudence, including ***Doctors for Life International v Speaker of the National Assembly & Others [2006] ZACC 11 (South Africa)***, underscores that constitutional challenges to a Bill should await the completion of the legislative process. Similarly, the doctrines of constitutional avoidance and separation of powers counsel restraint where alternative institutional

mechanisms, such as bicameral review, remain available. The National Assembly submits that the Petitioners' claims are thus not justiciable at this stage and that any judicial interference would improperly usurp legislative authority.

15. Collectively, the Respondents contend that the Petition is premature, speculative, and seeks to restrain Parliament from exercising its constitutional mandate. They assert that no justiciable controversy has arisen, no irreparable harm is demonstrated, and that the relief sought would interfere with the independence of the legislative branch. Accordingly, they pray that the Petition be dismissed with costs.

ANALYSIS AND DETERMINATION

16. Having carefully considered the pleadings, affidavits, rival submissions, and the applicable constitutional and statutory framework, the Court distills the issues for determination as follows:

- i) Whether this Court has jurisdiction to entertain a petition challenging a legislative proposal that is still under active consideration by Parliament and has not been enacted into law.***
- ii) Whether judicial intervention at this stage would offend the doctrines of separation of powers, constitutional avoidance, and the institutional independence of Parliament.***
- iii) Whether the Petitioners have satisfied the threshold for the grant of conservatory or injunctive relief, particularly the requirement of demonstrating irreparable harm.***

- iv) ***Whether the Senate violated constitutional provisions, including Articles 10, 27, 47, 48, 50, 94, and 118, in the manner in which it considered and passed the impugned Bill.***
- v) ***Whether Standing Order 148(2) of the Senate is unconstitutional to the extent alleged.***
- vi) ***Whether the Petitioners are entitled to the declaratory, injunctive, and monetary reliefs sought.***

17. Jurisdiction is the bedrock upon which judicial authority rests. Without it, a court must down its tools, as was emphatically stated in ***Owners of the Motor Vessel "Lillian S" v Caltex Oil (Kenya) Ltd.*** It is therefore imperative that the question of jurisdiction be resolved at the earliest opportunity.
18. The constitutional foundation of this Court's jurisdiction is found in Articles 165(3)(d), 22, and 258 of the Constitution. These provisions confer broad authority upon the High Court to interpret the Constitution and to determine whether any law or conduct is inconsistent with it, while also granting liberal standing to any person alleging a violation or threatened violation of constitutional rights.
19. However, that jurisdiction is not unbounded. It is circumscribed by the well-established doctrines of justiciability, including the doctrine of ripeness, which require that a dispute be real, concrete, and ripe for judicial determination. Courts do not adjudicate abstract, hypothetical, or contingent questions, but are confined to resolving actual controversies that have crystallized into legally cognizable disputes

20. In the present case, the impugned subject is the Business Laws (Amendment) Bill (Senate Bill No. 51 of 2024), which, by the Petitioners' own admission, remains at an incomplete stage within the legislative process. Although passed by the Senate, it has neither been considered by the National Assembly nor assented to by the President, and thus remains inchoate and devoid of the force of law.
21. The Court is persuaded that a legislative proposal, in its inchoate state, does not constitute "law" or "conduct" within the meaning of Article 165(3)(d) so as to found a justiciable controversy. Any challenge mounted at this stage is necessarily anticipatory and speculative.
22. Courts have consistently declined to intervene in ongoing legislative processes where the impugned instrument has not crystallized into law, on the basis that such disputes remain premature and non-justiciable. In ***Law Society of Kenya v Attorney General & another [2020] eKLR***, the Court underscored that the doctrine of ripeness "prevents a party from approaching a Court prematurely" and that a claim is not ripe where it rests upon "contingent future events that may not occur as anticipated." The Court further cautioned that courts do not determine "hypothetical problems and abstract questions" in the absence of an actual infringement of rights.
23. The rationale underpinning this principle is both logical and constitutionally grounded, until a Bill is enacted into law, its content remains fluid, subject to amendment, rejection, or transformation through the bicameral legislative process. Any alleged injury at that stage is

necessarily speculative, and judicial intervention would be founded on conjecture rather than on a crystallized and legally enforceable grievance.

24. The Petitioners' apprehension that the National Assembly may pass the Bill in its current form is, in the Court's view, conjectural. It is not a certainty, nor is it a legally cognizable injury.
25. Accordingly, this Court finds that the present Petition does not disclose a ripe or justiciable dispute. On that ground alone, the Court's jurisdiction is not properly invoked.
26. Even assuming, *arguendo*, that jurisdiction were established, the question would still arise whether it is appropriate for this Court to intervene at this stage of the legislative process.
27. The Constitution of Kenya establishes a system of separated powers, allocating distinct functions to the Legislature and the Judiciary. Articles 94(1) and 94(5) vest legislative authority in Parliament and provide that no person or body, other than Parliament, may enact law. Article 95(1) further underscores the role of the National Assembly in deliberating on and passing Bills. By contrast, Articles 165(1) and 165(3)(d) vest judicial authority in the High Court, including the mandate to interpret the Constitution and determine the constitutionality of laws and conduct. The Supreme Court in *In the Matter of the Speaker of the Senate & Another (Advisory Opinion Reference No. 2 of 2013) [2013] eKLR* emphasized that Parliament's independence in law-making must be respected and that courts should refrain from pre-emptive adjudication of legislative proposals. Similarly, in *Mate & another v Wambora & another [2017]*

eKESC 1 (KLR), the Court held that judicial restraint is required to prevent encroachment on the functional domain of the Legislature.

28. The doctrine of separation of powers requires each arm of government to respect the functional domain of the others. Courts must therefore exercise restraint and refrain from interfering with legislative processes except in the clearest of cases where a constitutional violation has crystallized. As observed in ***Doctors for Life International v Speaker of the National Assembly & Others [2006] ZACC 11***, judicial intervention prior to completion of the legislative process risks undermining constitutional checks and balances and must be avoided unless there is a compelling and imminent infringement of rights.

29. Closely related is the doctrine of constitutional avoidance, which counsels that courts should not determine constitutional questions prematurely, particularly where alternative institutional mechanisms exist to resolve the dispute. According to Black's Law Dictionary (11th Edition), the doctrine of constitutional avoidance is defined as:

“A principle of judicial self-restraint under which a court, if reasonably possible, will resolve a case on non-constitutional grounds, rather than deciding a constitutional question.”

30. The doctrine of constitutional avoidance promotes judicial restraint by preventing courts from issuing advisory or speculative opinions on constitutional issues, ensuring that adjudication is limited to concrete and enforceable disputes. It respects the institutional roles of other branches of government, recognizing that Parliament or the Executive may have mechanisms to resolve disputes without judicial intervention. By refraining

from premature rulings, the doctrine preserves the authority and legitimacy of constitutional interpretation and promotes legal certainty by allowing potential disputes to fully crystallize before judicial determination.

31. In the present matter, the doctrine of constitutional avoidance underscores the need for judicial restraint. The Petitioners' challenge concerns a Bill that remains under active consideration by Parliament, and alternative institutional mechanisms exist to address the concerns raised. Chief among these is the bicameral legislative process, which empowers the National Assembly to scrutinize the Bill, invite public participation, propose amendments, or reject it entirely. This process is not a mere formality, it constitutes a central safeguard within Kenya's legislative architecture, ensuring that potential grievances are addressed within the institutional framework envisaged by the Constitution.
32. Premature adjudication at this stage would circumvent these constitutional mechanisms, risk issuing a ruling on a hypothetical scenario rather than a concrete violation, and effectively substitute judicial judgment for the deliberative functions of Parliament. To intervene by halting or restraining the legislative process would thus truncate the constitutional safeguards built into the bicameral system, undermining both legislative independence and the orderly enactment of law.
33. The Court is therefore persuaded that granting the orders sought would amount to an impermissible intrusion into Parliament's legislative mandate and would disrupt the constitutional balance between the arms of government.

34. The doctrines of separation of powers, ripeness, and constitutional avoidance converge in this case to compel judicial restraint. The Court must resist the invitation to enter the legislative arena prematurely.
35. The Petitioners also seek conservatory and injunctive relief. The applicable test is well settled. An applicant must demonstrate a prima facie case, a real and imminent risk of irreparable harm, and that the public interest favours the grant of such relief.
36. Irreparable harm, in particular, refers to injury that is actual, imminent, and incapable of adequate compensation by damages or subsequent remedies.
37. In the present Petition, the alleged harm is predicated on the anticipated enactment and future application of the Bill. However, as already observed, the Bill remains subject to further legislative processes, the outcome of which is uncertain.
38. The Court finds that the alleged injury is therefore contingent and speculative. It does not meet the threshold of immediacy or certainty required to ground a finding of irreparable harm.
39. Moreover, the Constitution guarantees public participation at every stage of the legislative process. The Petitioners retain the opportunity to present their views before the National Assembly. Should a violation ultimately occur, the Court remains available to provide appropriate relief at that stage.

40. It follows that the Petitioners have failed to demonstrate that the absence of interim relief would render the Petition nugatory or result in irreparable harm.
41. This failure is fatal to the application for conservatory orders.
42. On the remaining constitutional issues namely, whether the Senate violated constitutional provisions, whether Standing Order 148(2) is unconstitutional, and whether the Petitioners are entitled to substantive relief are inextricably linked to the question of justiciability, having found that the dispute is premature and not ripe for adjudication, it would be inappropriate for this Court to pronounce itself on those questions.
43. To do so would amount to issuing advisory opinions on hypothetical scenarios, contrary to established principles of constitutional adjudication.
44. The constitutionality of legislative processes and instruments can only be meaningfully assessed once the legislative process has been completed and its effects are ascertainable.

CONCLUSION

45. For the foregoing reasons and in light of the doctrines of jurisdiction, ripeness, separation of powers, and constitutional avoidance, this Court finds that the present Petition is premature, speculative, and legally unsustainable. The Business Laws (Amendment) Bill (Senate Bill No. 51 of 2024) remains under active consideration by Parliament, has not been assented to by the President, and has not attained the force of law. Any alleged harm to the Petitioners is contingent upon future legislative action,

which may or may not materialize, and does not amount to a crystallized or enforceable legal grievance. Judicial intervention at this stage would circumvent the bicameral legislative process, pre-empt institutional mechanisms for public participation, and constitute an impermissible intrusion into Parliament’s constitutional mandate under Articles 94, 95, and 165. Moreover, the Petitioners have not demonstrated irreparable harm or a real, imminent risk that would justify conservatory or injunctive relief. For these reasons, the Petitioners’ claims, including those challenging the constitutionality of Senate Standing Order 148(2) and seeking declaratory, injunctive, or monetary relief, are devoid of merit. The Court therefore dismisses the Petition in its entirety.

46. Accordingly, the Court makes the following orders:

a) The Petitioners’ Notice of Motion dated 28th August 2025 is hereby dismissed.

b) The Petition dated 28th August 2025 is hereby dismissed in its entirety.

c) Each party shall bear its own costs.

Orders accordingly. File closed accordingly

**DATED, SIGNED, AND DELIVERED VIRTUALLY THIS 19TH DAY OF MARCH
2026.**

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BAHATI MWAMUYE MBS

JUDGE

In the presence of :

Counsel for the Petitioner- Ms. Valerie Omari h/b Ms. Mercy

Counsel for the 1st and 2nd Respondents- Ms. Mwaura

Counsel for the 3rd Respondent: Ms. Goretti

Court Assistant: Ms. Lwambia