

**IN THE COURT OF
APPEAL AT NAIROBI**

(CORAM: KIMARU, MUNYAO & OKELLO,

JJA.A.) CIVIL APPLICATION NO. NAI E774 OF

2025 BETWEEN

**HON. ATTORNEY GENERAL 1ST
APPLICANT CABINET SECRETARY FOR HEALTH
2ND APPLICANT**

AND

**OKIYA OMTATAH OKOITI 1ST
RESPONDENT PRIME CABINET SECRETARY &
CABINET SECRETARY FOR FOREIGN &
DIASPORA AFFAIRS 2ND
RESPONDENT THE NATIONAL TREASURY
3RD RESPONDENT
KATIBA INSTITUTE 4TH
RESPONDENT**

*(Being an application for conservatory orders of stay of the
Ruling and Orders of the High Court of Kenya at Nairobi (E. C.
Mwita, J.) dated 19th December, 2025*

in

***Petition No. E816 of
2025)***

RULING OF THE COURT

1. This application came up for hearing today. **Mr. Gumbo,
Mr.**

Kuria Thande, Mr. Meli and Mr. Amasa, learned counsel

appeared for the applicant, 2nd and 3rd respondents, **Mr. Washika** and **Mr. Wafula**, learned counsel appeared for Kenya

Medical Practitioners Pharmacists and Dentists Union (KMPDU), **Mr. Okiya Omtatah** appeared in person (1st Respondent) and **Mr. Malidzo Nyawa** appeared for the 4th respondent.

2. Upon hearing the parties, the Court reserved the ruling for 30th October, 2026. For reasons to be given in the Ruling, an interim order is hereby issued, staying the conservatory order issued by the High Court in Nairobi **Petition No. E816 of 2025** on 19th December, 2025 pending the delivery of the Ruling.

Dated and delivered at Nairobi this 12th day of May, 2026.

L. KIMARU

.....
**.... JUDGE OF
APPEAL**

SILA MUNYAO

.....
JUDGE OF APPEAL

DR. J. O. OKELLO

.....
JUDGE OF APPEAL

*I certify that this is
a true copy of the
original.*

Signed

DEPUTY REGISTRAR.