



**REPUBLIC OF KENYA**  
**IN THE ENVIRONMENT AND LAND COURT**

**AT MERU**

**ELC PET NO. 8 OF 2017**

**MICHAEL KUNGU KIGIA.....PLAINTIFF**

**VERSUS**

**AGRICULTURAL FINANCE CORPORATION.....1<sup>ST</sup> DEFENDANT**

**MANAGING DIRECTOR.....2<sup>ND</sup> DEFENDANT**

**OMURENDE IYADI.....3<sup>RD</sup> RESPONDENT**

**GEOFFREY MWIREBUA.....4<sup>TH</sup> RESPONDENT**

**HENRY KIMANI.....5<sup>TH</sup> RESPONDENT**

**AFC MANAGER MERU.....6<sup>TH</sup> RESPONDENT**

**ORDER/ RULING**

1. On 26.2.2018 this court gave a date for ruling in respect of two pending applications both filed by the plaintiff. The date given was 18.4.2018. As I embarked on the role of writing the ruling, I came across a letter dated **1.2.2018** but filed in court on **1.1.2018!**, authored by the petitioner and addressed to the Deputy Registrar of this court. No one, not even the petitioner had brought to my attention the existence of this letter by the time I was handling the file on 26.2.2018.

2. The contents of the letter are as follows; ***“Kindly note there is no instruction issued by neither respondents nor any letter of appointment of advocate to any law firm up to date 1<sup>st</sup> January 2018. Let you note the law firm of Rachid Ngaira and Co-advocate purported that was on record and on 24<sup>th</sup> January 2018, law firm of Gikunda and Co-advocates Meru mislead Judge that was appointed to hold brief without any instructions as I protested seriously in which case was unprocedural. I now demand the Hon. Court do not entertain any document as orders have expired and allow the petition as I had filed interlocutory judgment against the respondents.*”**

3. I find it necessary to invoke the Bangalore Principles of Judicial conduct in the preamble, where it is stated that; ***“Public confidence in the judicial system and in the moral authority and integrity of the Judiciary is of utmost importance in a modern democratic society”***.

4. This court has always and will always uphold the values and principles set forth in the Bangalore

Principles.

5. Justice must not merely be done but must also be seen to be done. The contents of the aforementioned letter may be construed to mean that the petitioner has no faith in this court. It may also appear to a reasonable observer that the judge is unable to decide the matter impartially since plaintiff has claimed that the Judge (myself) is being misled by advocates.

6. In light of the foregoing, and **keeping in mind that public confidence in the Judiciary is fundamental to the maintenance of Judicial independence, and in order to re-affirm the people's faith in the integrity of the Judicial office, and in order to preserve the dignity of Judiciary**, I hereby disqualify myself from participating in these proceedings and in any proceedings where the petitioner is a party.

**DATED, SIGNED AND DELIVERED IN OPEN COURT AT MERU THIS DAY OF 18<sup>th</sup> APRIL, 2018 IN THE PRESENCE OF:-**

**Court Assistant:** Janet/Galgalo

Michael Kungu Kigia – present

Other parties (respondents) - absent

**HON. LUCY. N. MBUGUA**

**ELC JUDGE**