



**IN THE COURT OF APPEAL**

**AT ELDORET**

**CORAM: TUNOI, O'KUBASU & GITHINJI, JJ.A**

**CIVIL APPLICATION NAI 248 OF 2005**

**IN THE MATTER OF AN INTENDED APPEAL**

**BETWEEN**

**HON. LADY JUSTICE ROSELYN NALIAKA NAMBUYE .....APPLICANT**

**AND**

**THE HON. THE CHIEF JUSTICE OF KENYA.....1ST RESPONDENT**

**HON. JUSTICE (RTD) ABDUL MAJID COCKAR.....2ND RESPONDENT**

**HON. JUSTICE JOHN MWERA.....3RD RESPONDENT**

**HON. JUSTICE LEONARD NJAGI.....4TH RESPONDENT**

**HON. JUSTICE DANIEL MUSINGA.....5TH RESPONDENT**

**HON. JUSTICE ISAACK LENAOLA.....6TH RESPONDENT**

*(The 2nd to 6th respondents in their capacity as the Tribunal to Investigate the Conduct of Judges)*

*(An application for stay of further proceedings and or stay of execution pending the hearing and determination of an intended appeal to be lodged in the Court of Appeal from the decision of the High Court of Kenya at Nairobi (Nyamu, J) dated 22nd April, 2005*

**in**

**H.C.MISC.A. NO. 764 OF 2004)**

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**RULING OF THE COURT**

This application by way of notice of motion dated 22nd August, 2005 was coming up for hearing this morning. While *Mr. Mwenesi* with *Mr. Simani* for the applicant were ready to proceed with the application, *Mr. Ombwayo* appearing for the respondents applied for adjournment on the ground that he has not had sufficient time in which to contact his clients. He pointed out that the application was served on him on 16th September, 2005.

While *Mr. Mwenesi* had no strong objection to the application for adjournment he asked us to grant an interim stay.

We have carefully considered counsel's brief submissions and we are of the view that it would be in interest of justice to allow the application for adjournment.

As *Githinji, J.A.* disqualifies himself from hearing this matter, we order that this matter be heard before a bench excluding *Githinji, J.A.*

In view of the foregoing this application is adjourned for mention in Nairobi on 6th October, 2005 at 9.30 a.m. Costs shall be in the application.

***MADE at ELDORET this 22nd day of September, 2005.***

**P.K. TUNOI**

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**JUDGE OF APPEAL**

**E.O. O'KUBASU**

.....

**JUDGE OF APPEAL**

**E.M. GITHINJI**

.....

**JUDGE OF APPEAL**

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

**DEPUTY REGISTRAR**