



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

JUDICIAL REVIEW APPLICATION NO. E1116 OF 2020

IN THE MATTER OF AN APPLICATION FOR LEAVE FOR

JUDICIAL REVIEW ORDERS OF MANDAMUS

BETWEEN

MILTON NYAKUNDI ORIKU.....APPLICANT

VERSUS

THE SPORTS DISPUTES TRIBUNAL.....RESPONDENT

RULING NO.2

1. On 4th February 2021, this Court gave the following directions herein:

i. The *ex parte* Applicant shall serve the Respondent with (i) the Chamber Summons dated 12th October 2020, (ii) the submissions dated 10th January 2021 on the said Chamber Summons (iii) a copy of these directions and (iv) a hearing notice with twenty-one (21) days of today's date.

ii. The *parte* Applicant shall also file an affidavit attesting to service on the Respondent of the said pleadings and documents within the said twenty-one (21) days.

iii. In the event of non-compliance by the *ex parte* Applicant, the Chamber Summons dated 12th October 2020 shall be liable to dismissal for non- prosecution.

iv. The Respondent is granted leave to file and serve its responses to the Chamber Summons dated 12th October 2020 and skeletal submissions thereon within twenty-one (21) days of service by the *ex parte* Applicant.

v. The Chamber Summons dated 12th October 2020 shall be heard on 22nd April 2021.

2. Upon perusal of the Court record there is no affidavit filed attesting to such service, and there is no response filed by the Respondent. It is also notable that this is the third instance there has been non-compliance by the *ex parte* Applicant with the directions of the Court.

3. In the circumstances, I hereby order as follows:

i. The *ex parte* Applicant's Chamber Summons dated 12th October 2020 is hereby dismissed for non-compliance and non-prosecution, with no order as to costs. This case is accordingly marked as closed.

ii. The Deputy Registrar of the Judicial Review Division shall send a copy of this ruling to the *ex parte* Applicant and Respondent by electronic mail by close of business on Friday, 23rd April 2021.

4. Orders accordingly.

DATED AND SIGNED AT NAIROBI THIS 22ND DAY OF APRIL 2021

P. NYAMWEYA

JUDGE



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