



Case Number:	Appeal Case 019 of 2019
Date Delivered:	09 Sep 2019
Case Class:	Civil
Court:	Transport Licensing Appeals Board Tribunal
Case Action:	Ruling
Judge:	Dick Waweru - Chairman Prof. Kiarie Mwaura - Member Moses Parantai - Member Aden Noor Ali - Member
Citation:	Kinatwa Sacco v National Transport and Safety Authority [2019] eKLR
Advocates:	-
Case Summary:	-
Court Division:	Tribunal
History Magistrates:	-
County:	Machakos
Docket Number:	-
History Docket Number:	-
Case Outcome:	Application allowed.
History County:	-
Representation By Advocates:	-
Advocates For:	-
Advocates Against:	-
Sum Awarded:	-
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REPUBLIC OF KENYA

IN THE TRANSPORT LICENSING APPEALS BOARD AT MACHAKOS

APPEAL CASE NO 019 OF 2019

KINATWA SACCO.....APPELLANT/APPLICANT

VERSUS

NATIONAL TRANSPORT AND SAFETY AUTHORITY.....RESPONDENT

RULING

1. This ruling determines the Appellant’s application dated 26th August, 2019 in which, the Applicant sought a review of order number two (2) as granted by the Board in its judgment dated 16th August, 2019.

2. In the application, the Appellant prayed for an order compelling the Respondent to grant the application for the route extension sought, that is, Nairobi- Kitui- Mwingi- Makueni- Mombasa and back.

3. The application was supported by the grounds stated on the face of the Notice of Motion and the Supporting Affidavit of Clinton Wambua sworn on 26th August, 2019. The grounds in support of the application were:

- i. That the Respondent had failed to comply with the court orders.*
- ii. That the Respondent was hell-bent on obstructing justice by causing unnecessary delay.*
- iii. That, from the onset, the Respondent had been reluctant to fairly administer justice.*

4. This Board was guided by the provisions of section **80 of the Civil Procedure Act and Order 45, Rule 1 of the Civil Procedure Rules**, 2010, both of which provide that a court can review its orders if there were sufficient reasons to do so.

5. The Applicant submitted that the Respondent had failed to comply with this court’s judgment delivered on 16th August, 2019 particularly, order number two (2) which provided:

*“**THAT** the Respondent responds to the Appellant’s original application for route extension, that is, Nairobi- Kitui- Mwingi- Makueni- Mombasa and back, within seven (7) days of this judgment.”*

The Transport Licensing Appeals Board finds that the Appellant’s application was merited, as the Respondent had failed to comply with the Board’s orders. As a result, the Board makes the following orders:

1. THAT the Respondent is hereby compelled to grant the Appellant the route extension applied for, namely: Nairobi- Kitui- Mwingi- Makueni- Mombasa and back.

2. THAT this Order be served upon the Respondent and the Traffic Commandant, with a view to ensuring that Kinatwa Sacco is allowed to ply the new route until the Respondent registers its route extension and issues its vehicles with the requisite Road Service Licences (RSLs).

Delivered, dated, and signed in Machakos by the Transport Licensing Appeals Board on this 9th day of September, 2019

Dick Waweru Chairman

Prof. Kiarie Mwaura Member

Moses Parantai Member

Aden Noor Ali Member



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