



Republic v Chairman Cooperative Tribunal & another; Halo (Exparte Applicant); Abdurehman & another (Interested Parties); Abdurehman (suing as chairman of Isiolo Central Farmers’ Co-operative Society) (Applicant); County Co-operative Officer, Isiolo (Respondent) (Miscellaneous Civil Application 130 of 2018) [2023] KEHC 23001 (KLR) (28 September 2023) (Ruling)

Neutral citation: [2023] KEHC 23001 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT MERU
MISCELLANEOUS CIVIL APPLICATION 130 OF 2018**

TW CHERERE, J

SEPTEMBER 28, 2023

IN THE MATTER OF ORDER 53 RULE 1 OF THE CIVIL PROCEDURE ACT

-AND-

IN THE MATTER OF COOPERATIVE SOCIETIES ACT CAP 490 LAWS OF KENYA

-AND-

IN THE MATTER OF GAZETTE NOTICE NO. 10193

IN THE MATTER OF INQUIRY ORDER DATED 3 RD OCTOBER 2018

**IN THE MATTER OF COOPERATIVE TRIBUNAL CASE NO. 228
OF 2016 (ABDU HATI HERSI V HASSAN HALLO & 2 OTHERS**

BETWEEN

REPUBLIC APPLICANT

AND

CHAIRMAN COOPERATIVE TRIBUNAL 1ST RESPONDENT

COMMISSIONER FOR COOPERATIVE DEVELOPMENT ... 2ND RESPONDENT

AND

HASSAN HALO EXPARTE APPLICANT

AND

RAGO ABDUREHMAN INTERESTED PARTY

REGINA KAGWIRIA INTERESTED PARTY

AND



RAGO ABDUREHMAN (SUING AS CHAIRMAN OF ISIOLO CENTRAL FARMERS' CO-OPERATIVE SOCIETY) APPLICANT

AND

COUNTY CO-OPERATIVE OFFICER, ISIOLO RESPONDENT

RULING

1. I have considered the notice of motion dated 15th August, 2019 seeking to punish the County Co-operative Officer, Isiolo for allegedly disobeying an inquiry order.
2. The application is supported by an affidavit sworn by Rago Abdurehman in which he avers that he and others were elected as official of the Isiolo Central Farmers' Co-operative Society but the County Co-operative Officer, Isiolo had declined to facilitate the handing over of all documents relating to the society.
3. Respondent opposed the application by way of a P.O filed on 25th June, 2021 in which it is contended that the court order issued on 09th May, 2019 was a negative order capable of being enforced other than on the issue of costs.
4. I have considered the notice of motion dated 15th August, 2019 in the light of the supporting affidavit, the Preliminary Objection and submissions for the Applicant and the Respondent.
5. I have also perused the entire court file and I have not found any order that was directed at the Applicant which he can lawfully be cited for disobeying. Indeed, even the Applicant has not annexed any such order to his application.
6. Consequently, I find that the application dated 15th August, 2019 is unmerited and it is dismissed with costs to the Respondent.

DATED AT MERU THIS 28TH DAY OF SEPTEMBER 2023

WAMAE. T. W. CHERERE

JUDGE

Appearance

Court assistant - Morris Kinoti

For Applicant - Ms. Gatwiri for Murango Mwenda & Co. Advocates

For Respondent - Mr. Muriuki for Mbogo & Muriuki & Co. Advocates

