

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KITALE

MISC CIVIL CASE NO. 17 OF 2020

JAPHETHER WAFULA WANYONYI.....APPLICANT

VERSUS

HILDA KIPRUTO A.K. HILDA KIPROTICH.....1ST RESPONDENT

PATRICK WALUKA.....2ND RESPONDENT

BENARD BARASA3RD RESPONDENT

GETRUDE KHISA.....4TH RESPONDENT

DIRECTIONS

It is apparent to this court that at the core of the dispute between the parties herein is the determination of the question regarding who are the bona fide members of the Society registered as Kitale Jua Kali Welfare Association. When the court directed the parties to sit down and agree on the list of bona fide members, such agreement was not reached. Matters were complicated by the fact that the list kept by the Registrar of Societies appear to be incomplete. What is interesting is that the lists presented to court appear to bear some common names. It is not clear from the lists presented to court how membership was acquired or how it is maintained. In the circumstances therefore, this court issues the following directions:

- i) The Court shall receive submissions from the parties in regard to how the membership was acquired and maintained. In that regard, if there is a membership register, the same should be submitted to the Court.
- ii) Upon determination of the issue of the bona fide members, the court shall call upon the said bona fide members to conduct elections to elect their officials;
- iii) The Elections shall be supervised by a competent Party that court shall appoint.
- iv) A hearing date shall be fixed for the Court to consider issue (i).

It is so ordered.

DATED at KITALE this 29th day of JUNE, 2021.

L. KIMARU

JUDGE