



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT NAIROBI**  
**CONSTITUTIONAL AND JUDICIAL REVIEW DIVISION**  
**PETITION NO. 395 OF 2012**

**BETWEEN**

**REVEREND BISHOP SILAS MISOI YEGO.....1<sup>ST</sup> PETITIONER/APPLICANT**

**REVEREND GEOFFREY GICHURE.....2<sup>ND</sup> PETITIONER/APPLICANT**

**REVEREND SIMEON OTIENDE.....3<sup>RD</sup> PETITIONER/APPLICANT**

**AND**

**MINISTER OF STATE,**

**PROVINCIAL**

**ADMINISTRATION AND INTERNAL SECURITY.....1<sup>ST</sup> RESPONDENT**

**COMMISSIONER OF POLICE.....2<sup>ND</sup> RESPONDENT**

**THE HONOURABLE ATTORNEY GENERAL.....3<sup>RD</sup> RESPONDENT**

**DAVID M. MBUVI.....4<sup>TH</sup> RESPONDENT**

**DAVID TIMKU WAWERU.....5<sup>TH</sup> RESPONDENT**

**FREDRICK MUSYOKA MUUNDE.....6<sup>TH</sup> RESPONDENT**

**SAMSON BETT.....7<sup>TH</sup> RESPONDENT**

**SOLOMON KIPTANUI CHESIBOI.....8<sup>TH</sup> RESPONDENT**

**RULING**

**Introduction**

1. This Ruling relates to a Notice of Motion Application dated 7<sup>th</sup> April, 2015 in which the Petitioners/Applicants seek to have certain suits consolidated with the present Petition. In their

Application, they therefore seek the following orders:

a. ....

**b. That this Court be pleased to consolidate the present suit with the following suits:**

**i. HCCC No. 103 of 2014 (Mombasa), Rev. Daniel Mutua Maingi and 2 Others vs Julius Okoth and 12 Others;**

**ii. HCCC No. 241 of 2011 (Machakos), Rev. Benard Nguyo and 2 Others vs Benard Wambua and 12 Others;**

**iii. HCCC No. 513 of 2011 (Nairobi), Bishop Rev. Silas Yego and 3 Others vs Rev. David Mulei Mbuvi and 5 Others;**

**iv. HCCC No. 162 of 2012 (Machakos), Amos Nzeki and 3 Others vs Rev. James Makau and 3 Others;**

**v. HCCC No. 207 of 2011, Rev. David Mbuvi and Others vs Rev. Silas Misoi Yego and Others.**

**c. That this Honourable Court be pleased to order that CMCC No. 766 of 2011, Shadrack Sila and 5 Others vs Philes Mulwa and 21 Others, filed at Machakos Law Courts, be transferred to this Court and be consolidated with this suit for determination.**

**d. That the abovementioned suits be consolidated and thereafter, be carried on as one action and the file in respect of the suit herein, Petition No. 395 of 2012, be designated as the pilot file for purposes of taking evidence and writing judgment.**

**e. That in the alternative, this Honourable Court be pleased to issue directions and grant such other or further orders as it shall deem fit and just for the preservation of justice regarding the nature and circumstances of the case.**

### **The Applicants' Case**

2. In an Affidavit in Support sworn on their behalf by Rev. Bishop Silas Yego on 2<sup>nd</sup> April, 2015, their case was that there has been a fraction of former Africa Inland Church in Kenya (AIC) members led by one David Mbuvi, that has been instigating Church members to defy the duly elected and bona fide officials of the Church. That while most of the AIC Churches countrywide have remained peaceful, recognizing its leadership, a few Churches and/or members and/or former members have rebelled against the leadership of the AIC led by Bishop Yego.

3. It was their further contention that one, Rev. David Mbuvi is no longer a member of the AIC having been excommunicated along with several others by the Central Church Council of the AIC following its meeting held on the 21<sup>st</sup> and 22<sup>nd</sup> of March, 2007 at the AIC Ziwani. In this regard, the said Rev. Mulei and his alleged cabal have tried to scuttle the legitimate activities of the AIC by filing numerous and frivolous suits and motions countrywide in order to make the machinery of justice grind to a halt by the sheer weight of the many suits instituted and with the objective of clouding the real issues to be determined.

4. Their case was also that in all the above mentioned suits, the core issue is the leadership of the AIC in Kenya and other secondary issues have cropped up and include ownership of land and leadership in the various local Churches within the AIC, for instance:

- In **HCCC No. 103 of 2014**, the Plaintiffs are the AIC recognized officials in the Mombasa region. The Defendants, who have been dismissed from the AIC Tudor Church, have

refused to cede the church to the bona fide leaders and have openly associated themselves with the said David Mbuvi whom they are on record as “recognizing as AIC Bishop”. In this regard, the said Defendants have illegitimately sought to associate themselves with the said Mbuvi and thereby interfering with the management of that particular church despite several attempts advising them against such unlawful acts. The foregoing has impeded access and control of the said church by the bona fide officials of AIC and further, that there is also in existence **ELC No. 212 of 2014 (Mombasa)** in which the issues are similar to **HCCC No. 103 of 2012** and ex parte judgment was entered on 5<sup>th</sup> November, 2014 but which is subject to an application to set aside the said judgment. In this latter suit, the Plaintiffs have openly associated themselves with David Mbuvi and the leadership of AIC is the core issue and/or a result of the issues therein.

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- In **HCCC No. 241 of 2011**, the issue of leadership of the AIC in Kenya is central to the dispute, with the Plaintiffs being the duly elected and bona fide officials of the Church while the Defendants are part of the group affiliated with the said David Mbuvi. The dispute is also about the AIC Makutano/Mathunthini in Masii and its leadership and David Mbuvi is central to the dispute as he is claiming to be the AIC Bishop. According to the Applicants therefore, the suit and its issues are similar to those in **CMCC No. 766 of 2011** where the Plaintiffs are allied to David Mbuvi and the dispute revolves around land and the underlying issue is actually the leadership of AIC in Kenya. They also contended that conflicting orders are being issued in all the pending suits including orders given in the present matter that directly relate to the issues in dispute in **HCCC No. 241 of 2011** and **CMCC No. 766 of 2011**.
- In **HCCC No. 513 of 2007**, the Petitioners sought injunctive orders to be issued against the Defendants restraining them, jointly and severally by themselves, their officers, servants, agents or otherwise howsoever from purporting to be AIC members; from purporting to be AIC National Officials and/or seeking to obtain endowments on the pretence of being AIC officials and or defaming the Plaintiff by way of purporting to be the bona fide AIC officials and or attempting to obtain control and/or management of and/or custody and/or occupation or threatening to obtain control or management of and/or custody and or occupation of AIC facilities, together with AIC assets (moveable and immoveable rights and accruals) or in any manner whatsoever interfering with the leadership and affairs of the church known as AIC until and unless they have been duly elected as such AIC officials in accordance with the church Constitution, pending the hearing and determination of the case; and from exercising any powers vested in the national officials of AIC or any other organ as established in the Constitution of the AIC, the **Societies Act, Cap 108**, the **Constitution of Kenya**, or any other powers that national officials of AIC and office bearers of a church exercise or would exercise with respect to the AIC church until and unless they are duly elected as such AIC officials in accordance with AIC’s Constitution pending the hearing and determination of the case. The said Application is yet to be determined and is actually about leadership of the AIC in Kenya.
- In **HCCC No. 162 of 2012**, the Plaintiffs are allied to David Mbuvi while the Defendants are bona fide elected officials of the AIC in Matheini and the latter are allied to the duly registered and recognized officials of AIC in Kenya. The suit also touches on the leadership of the church and its rightful officials because there exist two opposing camps, each claiming a stake in the leadership. The Parties herein are intrinsically connected to the respective camps in the AIC and any decision in the constitutional reference will ultimately affect the proceedings in the instant Petition.
- In **HCCC No. 207 of 2011**, the central issue is leadership of the church and the rebellion by David Mbuvi.
- Further that there exist other suits touching on the same issues of leadership and/or resulting from the same issues such as: **Misc J.R App No 155 of 2006; David Mbuvi and 21 Others**

**vs Registrar of Societies and Others; CMCC No. 354 of 2013 (Machakos); and HCCC No. 233 of 2014 (Machakos).**

5. Based on the foregoing, the Applicants' averment was that although the Parties to the above mentioned suits are in some instances different, the central issue is about leadership with David Mbuvi and/or opposition to the AIC leadership led by Bishop Yego being central to all, and for purposes of expediency, the suits ought to be consolidated.

6. Further, that there are common questions of law and fact that render it desirable that all of the above matters should be disposed of at the same time and therefore consolidation should be ordered. The suits also involve the same issues and it is proper and in the interest of justice that the cases be consolidated and heard together since none of them have gone to full hearing and to allow the said suits to proceed individually would be to entertain the danger of various Courts reaching different decisions on ultimately the same issue.

7. Lastly, that this Court has inherent jurisdiction to order consolidation of the abovementioned suits and it is desirable to make such an order.

**The Respondents' Cases**

8. On his part, Rev. David Mbuvi, by his Replying Affidavit sworn on 11<sup>th</sup> August, 2015 deponed that the present Application is brought in bad faith in order to steal a match against the Respondents and defeat justice and that the said Application is not brought in the honest and genuine belief that the cases should be dealt with at once.

9. He also deponed that the foregoing is the reason why the Applicants were selective in the cases they desire to be consolidated yet there are other cases between the parties which they omitted to include, namely:

a. **HCCC No. 643 of 2000, Kambi Mawe Central Church Council and 3 Others vs AIC and 2 Others;**

b. **HCCC No. 200 of 2006, Rev. David Mbuvi and 21 Others vs Registrar General and 3 Others;**

c. **JR Misc App No. 155 of 2006, Rev. Mbuvi and 21 Others vs The Registrar of Societies and 4 Others;**

d. **HCC No. 1272 of 2006, Pastor Thomas Kipkorir and 20 Others vs Rev. Silas Yego and 2 Others;**

e. **HCC No. 474 of 2008, Rev. David Mbuvi and 24 Others vs Rev. Silas Yego and 13 Others;**

f. **JR Misc App No. 138 of 2010, Rev. David Mbuvi and 13 Others vs Registrar General and 3 Others**

g. **HCC No. 225 of 2011, Rev. Silas Yego and 3 Others vs Bishop David Mbuvi and 3 Others.**

10. On the basis of the foregoing, his position was that if the Application to consolidate is motivated by genuine interest for justice then there would be need to include the foregoing cases in an amended Application for consolidation. Further, that if the Applicants believe that the leadership of the AIC is the main issue in contest all the cases they have listed, then it is in bad faith to exclude the foregoing cases which are also on the same subject.

11. He argued further that the cases that have been listed for consolidation cannot be consolidated because:

- a. **HCC No. 241 of 2011** was dismissed on 25<sup>th</sup> May, 2015 and an Application to reinstate it is still pending hearing and determination and as such it is not tenable nor practicable to consolidate it as is prayed.
- b. **ELC No. 103 of 2014** is a land case instituted in the High Court at Mombasa and as a land case, it has no relation with the present Petition and cannot be heard herein since the **Environment and Land Court** was specifically created to deal with land matters and there is a further pending Application for injunction in the same.
- c. **CMCC No. 766 of 2011** is also a land dispute which cannot be consolidated with this Petition.
- d. **HCCC No. 162 of 2012** as far as he is aware, is finalised.

12. He asserted further that in the last Ruling of this Court on an Application for contempt, the Court made specific directions that the Petition be set down for hearing on its own merits. However, that the Petitioners are not interested in having the matter heard and before directions could be taken, they came up with the present Application with the main objective being to scuttle and delay the hearing and circumvent the Judges' discretion, a practice they have perfected. As such, it was his argument that the present Application is in bad faith, is frivolous, vexatious and an abuse of the court process and ought to be dismissed with costs.

13. The Plaintiffs in **HCCC No. 162 of 2012, Amos Nzeki and 3 Others vs Rev. James Makau and 3 Others** on their part while opposing the Application filed Submissions dated 20<sup>th</sup> August, 2015. They contended that their suit is not about leadership wrangles among the officials of the AIC and that in fact it is in respect of the use and occupation of the Matheni AIC building and school premises which the congregants at Matheni had built.

14. Their other contention was that the Petition seeks to determine the national leadership in the AIC, a separate entity and of which they are not and have never been members. That their suit has also nothing to do with the AIC and or its regions because while the Interested Party in their suit is an elder and member of the African Inland Church which was established in 1895 and is bound by its revised Constitution, the Defendants in their suit are members of the African Inland Church which was established in 2010 and further, the said suits raises distinct issues from the questions of law, fact, rights and reliefs claimed or arising from the present Petition.

15. While relying on the decisions in **Joseph Okoyo vs Edwin Dickson Wasunna [2014] eKLR** and **Nyati Security Guards and Services Ltd vs Municipal Council of Mombasa [2004]eKLR**, their case was that the proposed consolidation will not only be a misjoinder, but would amount to an abuse of the process of the Court and a waste of its judicial time. That the Application was also filed with the intention of delaying the hearing and determination of the present Petition contrary to the overriding objective as provided in **Sections 1A and 1B of the Civil Procedure Act**. They further added that the Plaintiffs and Defendants in their suit are different as compared to the Parties in the present Petition and therefore consolidation of their suit with the present Petition is undesirable.

16. Further, in an Affidavit sworn on their behalf by one, David Muthama Kilonzo, a resident of Matheni, on 11<sup>th</sup> August, 2015, the said Plaintiffs stated that the matter they took to court was in respect of the use and occupation of the Matheni AIC church building and school premises which they, as the congregants had built. That under the AIC Constitution, the District Council is the owner of the Church property and not the Central Council. That the present Petition on the other seeks to determine who the bona fide leaders of AIC are but they are not members of the said Church and have never been its members and the issues therefore raised in their suit have nothing to do with AIC and/ or its leadership wrangles. That, as such, the consolidation of their suit with the Petition herein will not be a mere misjoinder but a grave miscarriage of justice as it will serve to deny them the right to articulate their particular grievance.

17. Additionally, that the Defendants in their suit had filed an application to consolidate it with the Petition herein but never prosecuted it and that directions have already been taken before a Judge in

Machakos and the suit is set down for hearing on 28<sup>th</sup> October, 2015.

18. Lastly, it was their case that this Court is being asked to consolidate a matter seized of another Court of equal and competent jurisdiction before that Court is moved to order for a consolidation and as a congregation, they have been denied their right to associate and congregate in their own property and have been kept out in the cold despite a court order to the contrary. Based on the foregoing therefore, they urge the point that the Application for consolidation is just but another move to delay the disposal of their suit on merit and after a full hearing and/or an attempt to derail the hearing date already given by the Court. That therefore the Application ought to be dismissed with costs.

I will determine the Application with the above matters in mind.

### **Why Consolidation of suits?**

19. The rationale for consolidation of suits was explained by the Court in **Korean United Church of Kenya and 3 others vs Seng Ha Sang (2014) eKLR** where it was observed that:

***“Consolidation of suits is done for purpose of achieving the overriding objective of the Civil Procedure Act, that is, for expeditious and proportionate disposal of civil disputes. The main purpose of consolidation of suits is to save costs, time and effort and to make the conduct of several actions more convenient by treating them as one action.”***

20. I also note that the principles to be applied when a court is to consider consolidation of suits were well outlined in the case of **Nyati Security Guards and Services Ltd vs Municipal Council of Mombasa [2004] eKLR** as follows:

***“The situations in which consolidation can be ordered include where there are two or more suits or matters pending in the same court where:-***

- 1. Some common question of law or fact arises in both or all of them; or***
- 2. The rights or relief claimed in them are in respect of, or arise out of the same transaction or series of transactions, or***
- 3. For some other reason it is desirable to make an order for consolidating them.”***

21. Further in **Nairobi HCCC No. 29 of 2009 (O.S), R.M.G vs N. G. and Another**, the court stated that:

***“.....where there is a common question of law or fact in actions having sufficient importance in proportion to the rest of each action to render it desirable that the whole of the matters be disposed of at the same time, consolidation should rise.***

***The principle is that consolidation of suits will be ordered where common questions of law or fact arise of such importance as to make it desirable that the whole of the matter be disposed of at the same time. This would mean that the suits are brought together with a view to disposing of them simultaneously, if the questions of law or fact to be answered in each of them are one or common, and they can conveniently be disposed of simultaneously”.***

22. I also note that a court may disallow an application for consolidation on various other grounds as was stated in the case of **Nyati Security Guards and Services Ltd (supra)** where the court opined that:

***“... The other situation where consolidation is undesirable is where the plaintiffs in two or more actions are represented by different advocates. In such a situation the hearing will be longer and the purpose of saving time will be defeated.”***

23. These opinions reflect the position in civil suits but I further note that in **Rule 17 of the Constitution**

of Kenya (Protection of Rights and Fundamental Freedoms) Practice and Procedure Rules, 2013 (Mutunga Rules) it is provided that:

*The Court may on its own motion or on application by any party consolidate several petitions on such terms as it may deem just.*

24. The principles applicable in civil suits and constitutional Petitions are therefore not any different and I so find.

25. The question then that at this point begs for an answer is whether the consolidation sought in the present matter is aimed at achieving substantive justice and facilitating the expeditious settlement of the disputes which I have summarised above.

26. From the evidence before this Court, I note that in HCCC No 103 of 2014, the questions raised therein revolve around the leadership of the AIC church and the Plaintiffs therein seek orders as follows:

a. **A declaration that the 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> Defendants were suspended on 14<sup>th</sup> August, 2014 by the AIC Church.**

b. **A declaration that AIC Tudor is the property of the Plaintiff, Africa Inland Church and the Defendants have no legal right to control the same.**

c. **A declaration that the 4<sup>th</sup> to 13<sup>th</sup> Defendants are not bonafide officials of the church of AIC Tudor.**

d. **An order of injunction barring the 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> Defendants by themselves, their agents or whosoever from entering the compounds of, conducting any worship service at, or in other way dealing with AIC Tudor unless the said suspension is lifted by the Africa Inland Church Council.**

27. In HCCC No. 241 of 2007, the dispute revolves around the question of leadership of the Africa Inland Church among others. The Plaintiffs therein seek the following orders:

a. **A declaration that the 1<sup>st</sup> Defendant is not an employee of Africa Inland Church Kenya since he has been employed by the 2<sup>nd</sup> – 13<sup>th</sup> Defendants which Defendants are not bonafide officials of AIC Makutano Local Church Council. And that a declaration that AIC Makutano is the property of AIC Kenya and ought to be managed by the bonafide officials of AIC Makutano Local Church Council according to the Constitution of AIC Kenya and [the] Societies Act.**

b. **The Defendants jointly and severally by themselves, their agents or otherwise be and hereby ordered to immediately remove any padlocks, to open and hand over AIC Makutano within Machakos County and to allow the Plaintiffs and the bonafide officials of Makutano District Church Council into the premises without any hindrance pending the hearing and determination of this suit.**

c. **An order of injunction do issue restraining the Defendants jointly and severally whether by themselves their servants, agents or whatsoever, from interfering in any manner with the affairs, management, control and assets including conduct of worship services during the week and in the Sunday Services of AIC Makutano but the same be managed, controlled by the Plaintiffs and bonafide officials of AIC Makutano.**

d. **The Defendants jointly and severally be condemned to pay special, general, punitive and aggravated damages.**

e. **Costs of this suit and interest at court rates.**

f. **Any other and/or further relief that this Honourable Court may deem fit and just to grant.**

28. In **HCCC No. 513 of 2007** the Plaintiffs therein seek for the following orders:

a. **That a declaration do issue that they are the bona fide national officials of African Inland Church.**

b. **An order of injunction restraining the Defendants jointly and severally by themselves, their officers, servants, agents or otherwise howsoever from attempting to obtain the control and or management of and or custody and or occupation or, threatening to obtain control and or management of and or custody and or occupation, together with (AIC) assets, (moveable and immovable), rights, and or accruals, or in any manner whatsoever interfering with the leadership and affairs of the Church known as African Inland Church (AIC) or in any way howsoever dealing with the management of the said African Inland Church until and unless they have been duly elected as such AIC's officials in accordance with the Party Constitution pending the hearing and determination of the case.**

c. **An order of injunction do issue restraining the Defendants jointly and severally whether by themselves, their servants or agents or whosoever whatsoever from exercising any powers vested in the National Officials of AIC or any other organ established in the Constitution of AIC, The Societies Act, Cap 108, the Constitution of Kenya, or any other powers that National officials of AIC and office bearers of a Church exercise or would exercise with respect to AIC Church until and unless they are duly elected as such AIC officials, in accordance with the Church Constitution.**

d. **That the Defendants be condemned to pay special, general and punitive damages.**

e. **Costs and interest.**

f. **Any other or further order the Court may deem just and fair to issue.**

29. In **HCCC No. 162 of 2012**, the Plaintiffs therein have prayed for the following orders:

a. **A permanent injunction restraining the Defendants by themselves, their agents, servants and or howsoever from interfering with, harassing, intimidating, threatening, disrupting and or in any way meddling with the affairs of AIC Matheini DCC.**

b. **A declaration that the Plaintiffs are entitled to freedom of assembly and worship without interference.**

c. **Costs of the suit.**

30. In **HCCC No. 207 of 2011**, based on a Replying Affidavit sworn by Bishop Yego, which was filed in this Court, I note that the subject matter of the suit revolves around the leadership of the AIC.

31. Finally in **HCCC No. 766 of 2011**, the Plaintiffs therein seek for the following orders:

a. **An order of permanent injunction restraining the defendants either by themselves or through their agents, servants, employees, proxies or any one acting on their behalf from interrupting, invading, destroying any property belonging to the African Inland Church Mathuthini or any other way interfering with the Plaintiff's fellowship, worship services or programmes at the African Inland Church Muthuthini, situate on title number Mwala/Mathunthini/570.**

**b. Costs of this suit.**

**c Any other relief this Court may deem just and fit to grant.**

32. What emerges from all the above cases is that the question of leadership pertaining to the African Inland Church is a question for determination in each one of them.

33. In **HCCC No 103 of 2014** however, other than the leadership wrangles and alleged breaches of the AIC Constitution, the parties are in disagreement with regard to certain Church properties. I further note that in **HCCC No. 162 of 2012**, it is alleged that the Plaintiffs were on 8<sup>th</sup> May, 2011 constituted as a District Church Council with a church membership of over two hundred persons and as such, the Defendants being dissatisfied with the said constitution were determined to disrupt church services led by the Plaintiffs. This in my view is no doubt a dispute relating to the management of the AIC and a common thread that runs along all this suits is allegations of various breaches of the AIC Constitution and various matters pertaining to the leadership of the AIC Church. It is also clear that in the said suits, the litigants are members of the AIC Church but have taken different stands in regard to the said leadership.

34. As regards the various suits that the Applicants herein have not proposed to have consolidated, I note that in **HCCC No 200 of 2006**, a Ruling was delivered on 19<sup>th</sup> June, 2006 and the Applicant therein was granted leave to file Judicial Review proceedings in terms of the Chamber Summons dated 18<sup>th</sup> April, 2006 and **HCCC No. 1272 of 2006** was dismissed on 16<sup>th</sup> November, 2009. In **HCCC No. 474 of 2008**, by a Ruling delivered on 14<sup>th</sup> November, 2008, by Sitati J. it was ordered that the suit be stayed pending the hearing and determination of **HCCC Nos 155 of 2006, 200 of 2006 and 1272 of 2006**. In **HCCC No. 225 of 2011**, there is a pending Notice of Motion Application dated 23<sup>rd</sup> June, 2011 seeking to restrain the Defendants therein from planning, holding or conducting various elections to various positions in the AIC Church, Kenya.

35. No materials were placed before this Court in regard to **HCCC Nos. 643 of 2000 and 138 of 2011**, and therefore I cannot make any decision in regard to them.

36. Based on the foregoing, it would appear that in **HCCC No. 200 of 2006**, the matter is concerned with Judicial Review and relates to a certain decision specific to that suit and I do not see how it can be consolidated with the instant matter. Similarly **HCCC Nos. 1272 of 2006** and **474 of 2008** cannot be consolidated herein as **No. 1272** was dismissed while **No. 474** was stayed. However, considering that in **HCCC No 155 of 2006**, the contentions relate to various breaches of the Constitution of AIC Church, and certain elections within the church, I am inclined to consolidate it with the present proceedings.

37. Further, since the contention in **HCCC No. 766 of 2011** revolves around the question of property and the rightful owner to such property, it would not be appropriate to have it enjoined in the present suit as it is a matter for the Environment and Land Court as correctly submitted by the Plaintiffs in that case.

38. Having so said and noting the principles in **Nyati Security Guards Ltd (supra)**, I am satisfied that the dispute relating to the leadership of the AIC church and all peripheral issues to that question should be best addressed in one court and since this Court is already seized of that question, this would be the best Court to deal with the matters. By doing so, a situation would be avoided where multiple decisions are reached by different courts on the same matter. An expeditious disposal of all the cases would also be ensured if Parties frame all issues arising for determination in one suit and by so doing, the dispute between them is disposed of at once.

39. In light of my findings above, the following are the orders I deem appropriate to grant in the circumstances:

**a. The following suits only are hereby consolidated with the present Petition:**

**a. HCCC No. 103 of 2014, Mombasa, Rev. Daniel Mutua and 2 Others vs Julious Okoth**

**and 12 Others.**

**b. HCCC No. 241 of 2011, Machakos, Rev. Benard Nguyo and 2 Others vs Benard Wambua and 12 Others.**

**c. HCCC No. 513 of 2007, Nairobi, Bishop Rev. Silas Yego and 3 Others vs David Mulei Mbuvi and 5 Others.**

**d. HCCC No. 162 of 2012, Machakos, Amos Nzeki and 3 Others vs Rev. James Makau and 3 Others.**

**e. HCCC No. 207 of 2011, Rev. David Mbuvi and Others vs Rev. Silas Misoi Yego and Others.**

**f. HCCC No. 155 of 2006, David Mbuvi and 21 Others vs Registrar of Societies and 4 Others.**

**b. The Application dated 7<sup>th</sup> April, 2015 is determined in those terms only.**

**c. Let each party bear their own costs.**

**DATED, SIGNED AND DELIVERED AT NAIROBI THIS 15<sup>TH</sup> DAY OF APRIL, 2016**

**ISAAC LENAOLA**

**JUDGE**

**In the presence of:**

Muriuki – Court clerk

Miss Martin holding brief for Mr. Bahati for 4<sup>th</sup> Respondent and Mr. Mutisya for 2<sup>nd</sup>, 3<sup>rd</sup>, 5<sup>th</sup> 0 8<sup>th</sup> Respondents

Mr. Amalemba for Petitioners and Mr. Mugambi holding brief for Dr. Khaminwa for Petitioners

**Order**

Ruling duly read.

**ISAAC LENAOLA**

**JUDGE**

**Further Order**

Application dated 9/4/2016 is stood over for hearing on 23/5/2016 at 11.00 a.m. Submissions to be filed.

**ISAAC LENAOLA**

**JUDGE**

