



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
(CIVIL DIVISION)
CIVIL CASE NUMBER 70 OF 2014

KENYA NATIONAL PARALYMPIC COMMITTEE....1ST PLAINTIFF
STANLEY MUTUMA. 2ND PLAINTIFF
JAIRUS MOGALO. 3RD PLAINTIFF
RONALD MILARE. 4TH PLAINTIFF

VERSUS

AGNES ALUOCH.1ST DEFENDANT
DENNIS MUGA. 2ND DEFENDANT
ALBERT KORIR. 3RD DEFENDANT
FRANCIS KIBUCHI. 4TH DEFENDANT
JOHN TITA. 5TH DEFENDANT
LEONARD MIZIGO.6TH DEFENDANT
LENNA NYABOKE. 7TH DEFENDANT
ELIJAH MWANDIHI.8TH DEFENDANT
BERNARD ONG'ONDO.9TH DEFENDANT
SOSPETER MAINA. 10TH DEFENDANT
PATRICK MUTHIANI.11TH DEFENDANT
HENRY WANYOIKE. 12TH DEFENDANT
KENYA NATIONAL SPORTS COUNCIL13TH DEFENDANT

RULING

The court on the 8th April, 2014 in the presence of parties from both sides, entered an order, inter alia, of “**Status Quo**”. The purpose was clearly to maintain, for the purpose of orderliness, the status that would sustain and protect the rights of the members of the Paralympics Association without disruption until the dispute arising from elections is resolved. On 16th May, 2014 the order was extended.

The issue before the court is whether the court authorized the pre-election of office holders to continue in office or the officers elected in the disputed elections were to take up office and run the Association until the dispute in court was resolved one way or the other. The elections were held on 14th March, 2014.

I have carefully perused the records. What clearly comes out in the facts is that the old office-bearers were ousted in the election or purported election, as the case may be, which took place on 14th March, 2014. They are the Plaintiffs. They appear to have refused to give way or handover the Association offices and management. They instead rushed to court and filed this suit on 26th March, 2014.

On 8th April, 2014 both sides appeared before court. Service on all parties was found not complete and court fixed the matter for hearing on 16th May, 2014 when pleadings and service would be complete. That is when the first order of status quo was granted to keep the situation where it was.

There is evidence in the Plaintiffs depositions that they had refused to accept the election result and had kept in their control and going, their old management, the offices and the bank accounts.

The Defendants Reply affidavit by Agnes Oluoch in paragraph 36 conceded that despite the new officials requesting the old officials to handover the old officials had refused and run to court to file this case. This affidavit was sworn on 17th April, 2014 several days after the status quo order had been made by this court.

The above in the court’s view disproves the Defendants position that they had taken over the management and offices of the Association by 15th March, 2014. In the circumstances the status quo as at 16th May, 2014 was that the Plaintiffs who had been ousted in the election still kept the offices and the management of the 1st Plaintiff. The court so rules and orders.

Dated and delivered at Nairobi this 24th day of July, 2014.

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JUDGE