



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
ENVIRONMENTAL & LAND DIVISION
ELC CASE NO. 300 OF 2013

GATEI WA NGANDA.....PLAINTIFF

VERSUS

KAMITI FARMERS COMPANY LIMITED1ST DEFENDANT

PENINAH WANJIRU NJENGA.....2ND DEFENDANT

WILSON MAINA NJENJA.....3RD DEFENDANT

THE COMMISSIONER OF LANDS4TH DEFENDANT

CHIEF LAND REGISTRAR.....5TH DEFENDANT

DIRECTIONS

The plaintiff herein filed a Notice of Motion dated 27th February, 2013. The court certified the Application as urgent and ordered the Applicant to serve the Respondents for inter-parties hearing on 20th March, 2013.

On 20th March, 2013, the Firm of Mjeni Mwatsama Advocates entered appearance for the 1st Defendant, Kamiti Farmers Company Ltd. The Replying Affidavit was sworn by one Simon Njuguna Njoroge, allegedly the chairman of the said company.

However on 29th April, 2013. The Firm of Henia, Anzala & Associates entered appearance for the same 1st Defendant, Kamiti Farmers Company Ltd. The said company had allegedly given authority to plead to one Mbugua Kariuki, the allegedly duly elected Chairman.

The issue of representation was contested. The Registrar of companies one Francis K Ndirangu was summoned to court to shed light on the issue of Directorship of Kamiti Farmers Co Ltd. He confirmed that the recognized Directors are as per the letter dated 31st May, 2011. The said letter shows that one Mbugua Kariuki is the Chairman of this company. There is therefore no official record recognizing Simon Njuguna Njoroge whose group has appointed Mjeni Mwatsama & Co. advocates to represent them, as the chairman of Kamiti Farmers Co Ltd.

The official records recognize Mbugua Kariuki's group as the Directors of the company.(Mbugua Kariuki is the deponent herein)

The court will therefore hold that Mbugua Kariuki is the bona-fide chairman of Kamiti Farmers Co. Ltd as per the letter dated 31st May, 2011. The Firm of Henia, Anzala & Associates has been appointed by the bona fide Directors. The Court will find and hold that Henia, Anzala & Associates are duly on record for the 1st Defendant and should thus proceed with the prosecution of this matter. The Law Firm of Mjeni Mwatsama was appointed by a group that is not officially recognized as Directors of the company. The Court finds that the Law Firm of Mjeni Mwatsama & Co Advocates is not properly on record for 1st Defendant.

It is so directed.

Dated this 27th August, 2013

L. N. GACHERU

JUDGE