



JULIUS DICKSON OLANG.....1<sup>ST</sup> PLAINTIFF  
WALTER OGEKA .....2<sup>ND</sup> PLAINTIFF  
CHARLES ODONGO .....3<sup>RD</sup> PLAINTIFF  
THE TRUSTEES GLOBAL MISSION IN KENYA .....4<sup>TH</sup> PLAINTIFF

**VERSUS**

RICHARD OJUNGU .....1<sup>ST</sup> DEFENDANT  
DAVID OGWENO.....2<sup>ND</sup> DEFENDANT  
GEORGE OSODO .....3<sup>RD</sup> DEFENDANT  
PREX LABORATORY SUPPLIES LTD .....4<sup>TH</sup> DEFENDANT

**RULING**

By Chamber summons application dated 3<sup>rd</sup> August 2010, the applicants pray for the following orders:-

- 1. THAT matter be certified and leave be granted to have the matter heard urgently during vacation**
- 2. THAT the applicants be granted leave to sue the defendants.**
- 3. THAT any other interested parties be served by way of advertisement in the daily newspapers.**
- 4. The cost of this application be provided for.**

The said application is supported by the affidavit of Julius Dickson Olang sworn on 3<sup>rd</sup> August 2010. Global Mission in Kenya is a registered Society. The said society previously owned land parcel number Kisumu / Manyatta "A"/ 2156.

It is the applicant's case that the said parcel of land was sold fraudulently by the 1, 2, and 3<sup>rd</sup> defendants to the 4<sup>th</sup> defendant. They argue that though the said defendants were members of the society as well as its officials they have since ceased.

It was the plaintiffs argument that the purported sale of the Church property was never sanctioned by the trustees. It has further been established by the plaintiffs that the amount of money spent for the development of the church was sourced from Canada where the parent Ministry is.

There are also two (2) material affidavits in support of the applicants application. The first affidavit is that which was sworn by one **George Okoto Osodo**, the 3<sup>rd</sup> defendant on 19<sup>th</sup> August 2010. He has distanced himself from the alleged sale of the plaintiffs land to the 4<sup>th</sup> defendant. In fact his argument is that the signature and the identity card in the agreement are not his.

The further affidavit of the 1<sup>st</sup> plaintiff has an attachment therein, namely annexure DO 5 (b) where an advocate one **James Miruka Owuor** has denounced the Sale agreement dated 14<sup>th</sup> April 2010 between Global Mission in Kenya and the 4<sup>th</sup> defendant.

I have further read the attached letters from the Registrar of Societies. From the Registrar's correspondence its prima facie clear that the new outfit registered by the defendants called New Global Fellowship in Kenya was deregistered and that the 4<sup>th</sup> defendant is the only entity now recognized by the registrar.

The 4<sup>th</sup> defendant through the affidavit of **Kennedy Otieno Panya** clearly admits the wrangles within the church. It may be true that it's a purchaser for value without notice. However it seems to me that the 4<sup>th</sup> defendant, if the facts remain as they are may have been defrauded. Nonetheless the issue of fraud is reserved for trial. For now it's necessary to address the interlocutory matters.

Having perused the affidavit evidence herein I am convinced that the plaintiffs have established a prima facie case. They have further established that unless injunctive orders are granted, they stand to suffer irreparable harm and loss. Consequently, I shall allow prayer 3 of the application namely:-

**(a) That there shall be interim orders of injunction restraining the defendants its servants or their agents, employees or representatives from trespassing onto, interfering with the activities of the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> plaintiffs on land parcel number Kisumu /Manyatta "A"/ 2156 pending the hearing and determination of this suit.**

**(b) The 4<sup>th</sup> defendant pending the determination of this suit is hereby enjoined from selling, disposing, charging or in any other way dealing with land parcel number Kisumu / Manyatta "A" / 2156.**

**(c) Cost to the applicants.**

**Dated, signed and delivered at Kisumu this 29th of February 2012**

**H. K. CHEMITEI**  
**JUDGE**

**In the presence of:**

.....Advocate for Applicant

..... for Respondent

*HKC/ao*