



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (MILIMANI COMMERCIAL COURTS COMMERCIAL AND TAX DIVISION)
CIVIL SUIT 394 OF 2011 & 539 OF 2011

FRANCIS CHEGE MAINA & 4 OTHERS.....PLAINTIFFS

VS

JOHN KAGUMA MAINA & 2 OTHERS.....DEFENDANTS

CONSOLIDATED WITH

CIVIL SUIT NO. 539 OF 2011

KENWIDE INVESTMENTS LIMITED.....PLAINTIFF

VS.

FRANCIS CHEGE MAINA & 4 OTHERSDEFENDANTS

RULING

1. On 24th May 2012, this court directed the parties to agree on a reputable Management Company to which management of properties all properties owned and registered under the umbrella of Ambassadeur Investments (K) Limited would vest pending the hearing and determination of the consolidated suit in this matter. Ambassadeur Investments (K) Limited is a company which both the plaintiffs and the defendants claim to be shareholders and directors. In the event of parties failing to agree on the property manager, the court directed that it would make the appointment pursuant to Order 41 of the Civil Procedure Rules, 2010.
2. On 15th April 2012, the parties reported that they were unable to mutually agree on a Management Company for appointment. The Court then directed each party to file proposals and profiles of companies

they wished the court to consider for appointment.

3. On 24th May 2012, the matter was mentioned to confirm that the nomination of management companies had been done. Counsel for the parties also made brief submissions on why certain nominated companies should not be considered by the court.

4. I have considered the nominations made by the parties and also the submissions in relation to the appointments.

5. Having carefully considered the profiles of firms submitted by the parties, and having evaluated the pricing of the services rendered as well as the concerns voiced against some of the nominated firms, I am inclined to appoint M/s Lloyd Masika Limited to be the Manager of the properties registered under the umbrella of Ambassadeur Investments (K) Limited with effect from 1st June 2012.

6. I further direct that representatives of each party and their advocates to hold a meeting with the company by or before 31st May 2012 for purposes of hand over and to discuss modalities of opening a bank account in line with Direction No. 5 of the directions given on 24th May 2012.

7. I further direct that this matter be mentioned on 8th June 2012 for purposes of reviewing the position.

IT IS SO ORDERED

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 29TH DAY OF MAY 2012

**J.M. MUTAVA
JUDGE**