



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

CIVIL SUIT 7 OF 2008

NATIONAL COUNCIL OF NON-GOVERNMENTAL ORGANISATIONS.....PLAINTIFF

-VERSUS-

ORIE ROGO MANDULI.....1ST DEFENDANT

MARY OKUMU.....2ND DEFENDANT

R U L I N G

That will be the day when a member of The National Council of Non-Governmental Organizations (NGOs) in Kenya will sue others in his name as Plaintiff instead of using the name “*National Council of Non-Governmental Organizations*” which apparently doses him/her with a sleeping pill against prosecution of the suit and a thurst tablet for applications.

That will be the day when members of the National Council of Non-Government Organizations in Kenya will file suit and prosecute it to conclusion.

That will be the day when Members of The National Council of Non-Governmental Organizations in Kenya will stop “*kukanyagana*”.

That will be the day when sanity will reign within the governance, leadership and general organization of the Membership of the The National Council of Non-Governmental Organizations in Kenya so that lawyers for the said NGOs also stop contributing to that lack of sanity.

In the Chamber Summons dated 7th October 2008 before me, the Applicant who is the Second Defendant in HCCC No.7 of 2008 is praying for orders under **Order VI Rule 13(1) (a), (b) and (d)** of the **Civil Procedure Rules** and **Section 3A** of the **Civil Procedure Act** and all other enabling provisions of the law that: -

“1. The name of and the suit against the 2nd Defendant be struck out;

2. Costs of the application and the suit against the 2nd Defendant be granted to the 2nd Defendant.”

H.C.C.C. No.7 of 2008 is consolidated with HCCC No.801 of 2007 and on 8th May 2008 I had occasion to deliver what I called a “*Final Ruling*” affecting both suits and the following is the most relevant part of that ruling to the application before me in this ruling and I take it from end of page 8 to top page 9: -

“.....for example, as Ambassador Orio Rogo Manduli engages Dr. Simeon Kanani and three others in HCCC No.801 of 2007, there is nothing preventing Dr. Mary Y. Okumu from giving a Notice of Special General Assembly of the National Council of NGOs of Kenya to be held on 26th January 2008 as a result of which Dr. Simeon Kanani finds it necessary to file HCCC No.7 of 2008 against Ambassador Orio Rogo Manduli and Dr. Mary Y. Okumu”.

Emphasise the words:

“Dr. Simeon Kanani finds it necessary to file HCCC No.7 of 2008 against Ambassador Orio Rogo Manduli and Dr. Mary Y. Okumu”.

That being the position, when the same “Dr. Mary Y. Okumu” now comes back as “Mary Okumu” the Applicant in this Chamber Summons dated 7th October 2008 claiming:

- 1. That the plaint.....does not disclose any reasonable cause of action.**
- 2. That the plaint is scandalous, frivolous and vexatious;**
- 3. That the plaint is otherwise an abuse of the court process;**

how can this Chamber Summons itself fail to be an abuse of the process of this court, the court wherein on 8th May 2008, I told the same parties before me now to stop filing more applications and prosecute HCCC No.7 of 2008 and HCCC No.801 of 2007 to conclusion without sleeping. They have with impunity ignored that order, they shift places and think that doing so warrants impunity; they therefore come back to this court with more applications as they prosecute no pending suit. That is vexatiously abuse of process of the court. Ambassador Orio Rogo Manduli Plaintiff behind HCCC 801/07; Dr. Simeon Kanani Plaintiff behind HCCC 7/08. Accordingly, Chamber Summons dated 7th October 2008 be and is hereby dismissed. Each party to pay its own costs as both have ignored this court’s order to prosecute suit.

Dated this 5th day of June 2009.

J. M. KHAMONI

JUDGE