

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI (MILIMANI COMMERCIAL COURTS)

Civil Case 386 of 2008

PASTOR JOSHUA KANGALYA PLAINTIFF

VERSUS

CHRISTIAN FOUNDATION FELLOWSHIP

DAVID WAITHAKADEFENDANTS

R U L I N G

Chamber summons dated 9/7/08 seeking interim injunction restraining the defendant not to trespass or to take possession of property or damage the church premises and a second injunction be issued against 2nd defendant to restrain him leaving the jurisdiction of this court and the order be served upon the Immigration Department of Kenya, on the ground that the applicant is the founder of the Zion Hope Ministry International which is the holder of Plot No. Dagoretti/Riruta 1135 on which the Zion Hope Ministry International stands and owns all the equipment and property within the church and that on or about 1/8/2007 and on or about the 25th August 2007 the second defendant being an agent of the first defendant wrote letters to the plaintiff alleging that he misappropriated money belonging to the first defendant.

However the said property belongs to plaintiff and his Ministry. Other grounds are set out which established clearly that the two organizations are engaged in dispute that may lead to a breach of the peace especially as there are several members of each church.

I have perused the plaintiff's affidavit in support of which shows the details of the dispute. I have also perused the Replying Affidavit sworn by 2nd defendant. He claims the lease of Plot No.1135/Dagoretti/Riruta on behalf of the defendants and has requested the plaintiff to vacate the same. It is disclosed that there is another suit SPMCC Limuru – No.142 of 2008 which is pending. It is also disclosed that the congregation of defendant have been involved in the dispute. This is dangerous situation.

The court has considered the arguments of both parties. The court must act to prevent acts that may lead to breach of peace among the members of public. The court therefore invokes the inherent powers of court and grants interim orders pending the hearing of this suit in terms of prayer 2 only.

The application is therefore allowed to that extent. Costs shall be in the cause.

It is so ordered.

DATED and DELIVERED at Nairobi this 27th day of August 2008.

JOYCE N. KHAMINWA

JUDGE