

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAKURU

Civil Case 220 of 2000

WILSON NDUNGU & 36 OTHERS..... PLAINTIFFS

VERSUS

JEROME WANGOMBE & 5 OTHERS.....DEFENDANT

RULING

In this Originating Summons (OS) the plaintiffs who are directors of Thengenge Enterprises Ltd (the Company) allege that the first, second, third and fourth defendants who are co-directors are, without their authority and/or consent, in the process of disposing the Company property known as **Title No. Nakuru Municipality Block 5/105** by way of a lease to the 6th defendant. They have sought in this OS an order to restrain the defendants from disposing of the property.

Along with the filing of this OS they filed a chamber summons seeking inter-alia the same order. When the matter first came before me on the 22nd October 2008 I issued an ex-part injunction to restrain the disposal of the property and fixed the application for hearing on 5th November 2008. On that date the matter was adjourned to be given a date in the registry and extended the interim orders until the next hearing date. Before the matter could be fixed for inter parte hearing counsel for the plaintiff came back to court and complained that the defendants had started demolishing the property. I granted an order that the status quo to be maintained. Clearly that status quo order related to any further demolition of the property and not its disposal as there was already an order restraining that. It is therefore dishonest for the defendant to claim that the status quo order related to the disposal of the property. Until this matter is mentioned on the 17th December 2008 there should be no further demolition of the suit property by either the defendants, the Municipal Counsel of Nakuru or anybody else for that matter.

DATED and delivered at Nakuru this 9th day of December 2008.

D. K. MARAGA

JUDGE