

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MERU

Civil Suit 178 of 2002

FRANCIS MWENDA & 113
OTHERS.....APPLICANTS/PLAINTIFFS

VERSUS

THE LIQUIDATOR ABOGETA FARMERS CO-OP SOCIETY
LTD.....RESPONDENTS/DEFENDANTS

RULING

This application was argued *ex parte* as the respondent or counsel, despite service, did not respond or attend the hearing.

The application is for inhibition of certain properties registered in the name of Abogeta Farmers Co-operative Society Ltd, now under liquidation. The applicants, 113 in number state through one of them, Geoffrey Nkonge, that they are former employees of Abogeta Co-operative Society Ltd (the company) who are owed certain dues by the company.

They are apprehensive that they may not realize their dues which form the basis of the suit herein if the only assets of the company sought to be inhibited are alienated.

They aver that in Meru CMCC No.112/2001, an inhibition had been issued but the same lapsed or vacated when the Chief Magistrate's court declared that it had no jurisdiction in the matter, hence the present application.

For purposes of maintaining status quo pending the occurrence of a particular event, the court has powers to make an order inhibiting the registration of any dealing with any land.

The court at this stage, in exercising this discretion, is concerned with ensuring that the subject matter is not wasted or alienated before the event upon which the inhibition order is sought. In this case the applicants allege that the company owes them certain dues that they fear may not be paid if the properties they seek to inhibit dealings in are not preserved.

The merits of that claim is not in issue. In the result I am persuaded that in the interest of justice the applicants are entitled to the orders sought. It is now ordered that there shall be an order of inhibition, inhibiting registration of any dealings in L.R.No.s.Abogeta/L.Kithangari/599,Abogeta/UpperKiungone/1039,

Abogeta/UpperKiringa/561,Abogeta/L.Kiungone/516,Abogeta/U.Kiungone/1041,Abogeta/L.Kithangari/816 and Abogeta/L.Kiungone/560, which have been shown to my satisfaction are all registered in the name of the company.

Orders accordingly.

DATED AND DELIVERED AT MERU THIS 20TH DAY OF JULY, 2007

W. OUKO

JUDGE