



**REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (NAIROBI LAW COURTS)**

CIVIL CASE 716 OF 2005

NYAMBURA MWANGI PLAINTIFF

VERSUS

STEPHEN MAINA KIMANGA 1ST DEFENDANT

MUTURI KANYI 2ND DEFENDANT

PETER MWANGI MACHARIA 3RD DEFENDANT

GITHINJI MWANGI 4TH DEFENDANT

GICHUHI MACHARIA 5TH DEFENDANT

RULING

1 BACKGROUND OF APPLICATION DATED 31.5.07 FOR AN INJUNCTION

1. The plaintiff herein Nyambura Mwangi was married to one Mwangi Githinji (now deceased) who was a founder member of M/s Miaraho Company Ltd.

2. She lived on land parcel LR 4927 that appears to be her matrimonial home. All three founder members have since passed away. It seems as if new directors were appointed without notifying her. They threatened to evict her from the land.

3. The plaintiff herein filed this suit seeking injunction orders against the defendants 1 – 5 in their personal capacity. A declaration that she is entitled to a share of the company and that an election held on 31 May 05 be deemed null and void.

4. The suit dated 10 June 05 and filed on 13 July 05 was filed together with an application for injunction. It seems that Ransely J gave interim orders for that injunction on 19 July 2005 but inter parties hearing was even heard. Other judges extended these orders for injunction.

II: Application of 31 May 05

5. The plaintiff seeks protection of this court from being evicted from her suit premises. She seeks orders that this court gives certain declaratory orders against the company.

III In reply

In reply the defendants state they are now the lawful directors. That sometime in 1998 the plaintiff – a widow of the original founder had attempted to interfere with the running of the company and attempted to wind the company up.

7. Should an injunction issue?

IV Finding

8. It is imperative that the company conducts its affairs according to law. If the defendants are interfering with the right of the shareholders that touch upon them unfairly. I find that this is a fit case to grant an injunction.

9. I find that an injunction do and is hereby granted restraining the defendant from interfering with the plaintiff peaceful occupation. That the defendants be restrained from an order of injunction from doing any act of performing any function in the name of Miaraho Ltd and from holding themselves as directors, officials, shareholder of Miaraho Ltd and from holding election and meeting that purports or meeting that are proposed to be company meeting pending the hearing of the main suit.

Dated this 24th day of May 2004 at Nairobi.

M.A. ANG'AWA

JUDGE

P.K. Njoroge for the P.K. Njoroge & Co. Advocates for the plaintiff

S.O. Makori for Oraro & Co. Advocates for the defendant.