



**IN THE HIGH COURT OF KENYA AT NAIROBI**

**MISC. APPLICATION NO. 974 OF 2004**

**ISAAC MWITI MUGUNA AND OTHERS .....APPLICANTS**

**VERSUS**

**KIANJURI FARMERS CO-OPERATIVE SOCIETY LTD.....DEFENDANT**

**RULING**

I have considered the application and all supporting documents and the submissions of the Counsel for the applicants. There is a recommendation by the Inquiry team herein for the Applicants to refund the sum of Kshs.5,075,224.40 allegedly misapplied by them when they were in office. The Applicants claim that they were not heard and given an opportunity to defend themselves. Also that the Inquiry Officers exceeded their authority and/or jurisdiction.

I have considered all matters, and I am satisfied that the applicants are justified to bring this application. I do hereby certify the application as urgent. Leave is granted in terms of prayer 2 of the Chamber Summons.

The leave should operate as a stay of Recommendations No. 15 ONLY in so far as they affect the Applicants personally. This stay should not affect the rest of the Inquiry Report No. CS/0846. The Applicants should file their application within the next 21 days.

**Dated and delivered at Nairobi this 28th day of July 2004.**

**MOHAMMED K. IBRAHIM**

**JUDGE**