

REPUBLIC OF KENYA
IN THE ENVIRONMENT AND LAND COURT AT MALINDI
ELCLC NO. E002 OF 2025

REVIVAL FELLOWSHIP INTERNATIONAL
APPLICANT


VERSUS

MICHAEL NTHENGE WAMBUA
RESPONDENT

RULING

1. The applicant sued the respondent by way of a plaint and the defendant filed Preliminary Objection dated **26/4/2025** objecting to the entire suit on the basis that the suit is incompetent as the plaintiff can not file it in its name.
2. This court ordered that the objection be canvassed by way of written submissions but only the defendant filed submissions. I have considered the objection and the written submissions.
3. The objector relied on **Kitale ELC Case No 10 Of 2023 Makete & 6 Others Suing for and On Behalf of Elgon East Friends Church (Quaker Yearly Meeting) Vs Moses Lusweti & Others** whose holding I agree with entirely.
4. The plaintiff is not a body corporate capable of suing or being sued in its name. it can only sue or be sued through its officials. Consequently, the preliminary objection is upheld. However, I decline to strike out the suit and instead I order that the plaintiff shall regularize its position by amending the plaint to indicate that it is suing through its officials or trustees **within 14 days** from the date of this order in default of which the suit shall stand struck out with costs. The costs of the objection shall be borne by the plaintiff.

Dated, signed and delivered at Malindi via electronic mail on this 23rd day of September, 2025.



MWANGI NJOROGE
JUDGE, ELC, MALINDI