



REPUBLIC OF KENYA



**KENYA LAW**  
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**Endao Company Limited & 7 others v Yatich & 9 others (Civil Case E011 of 2023) [2025] KEHC 2548 (KLR) (5 March 2025) (Ruling)**

Neutral citation: [2025] KEHC 2548 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAKURU  
CIVIL CASE E011 OF 2023  
PN GICHOHI, J  
MARCH 5, 2025**

**BETWEEN**

**ENDAO COMPANY LIMITED ..... 1<sup>ST</sup> PLAINTIFF  
JOHN WENDOT A. KIBOWEN ..... 2<sup>ND</sup> PLAINTIFF  
SAMUEL KANDAGOR CHEPKONGA ..... 3<sup>RD</sup> PLAINTIFF  
ISAAC CHESANG ..... 4<sup>TH</sup> PLAINTIFF  
KIPYEGON NEHEMIAH CHEROGONY ..... 5<sup>TH</sup> PLAINTIFF  
JAPETH C. KONGOGO ..... 6<sup>TH</sup> PLAINTIFF  
ESLEEN KOBILO KIPROTICH ..... 7<sup>TH</sup> PLAINTIFF  
EDWARD KIPROTICH KANDIE ..... 8<sup>TH</sup> PLAINTIFF**

**AND**

**DICKSON KANGOGO YATICH ..... 1<sup>ST</sup> DEFENDANT  
SHADRACK KIPRUTO CHEROGONY ..... 2<sup>ND</sup> DEFENDANT  
WILLIAM KIPSANG ..... 3<sup>RD</sup> DEFENDANT  
CHRISTOPHER KIPSETIM KIMOSOP ..... 4<sup>TH</sup> DEFENDANT  
CHARLES KIMECHWA KUMBELEL ..... 5<sup>TH</sup> DEFENDANT  
BOIGOR BENJAMIN ..... 6<sup>TH</sup> DEFENDANT  
YATICH HILLARY CHEPKONGA ..... 7<sup>TH</sup> DEFENDANT  
ELISHA KIPKOECH CHEROP ..... 8<sup>TH</sup> DEFENDANT  
BERNARD KIPRUTO CHESIRE ..... 9<sup>TH</sup> DEFENDANT  
THE REGISTRAR OF COMPANIES ..... 10<sup>TH</sup> DEFENDANT**



## RULING

1. The matter was coming up today for the Plaintiffs to confirm if they still wish to proceed with the applications herein.
2. It is conceded that the application dated 23/12/2024 has been overtaken by events as the Annual General Meeting (AGM) was held on 14/2/2025. It is also conceded that the application dated 28/1/2025 is moot and therefore withdrawn by the Applicants/Plaintiffs. It has been intimated to this Court that the Plaintiff's wish to file an application to invalidate the Annual General Meeting (AGM) held on 14/2/2025.
3. The Plaintiffs therefore seek leave to file that application. Counsel for the Defendants has intimated to this Court that parties have been to the Court of Appeal this morning over an application the Plaintiffs/Applicants filed to the Court of Appeal.
4. In the circumstances this Court makes the following orders:-
  1. The application dated 23/12/2024 is marked as overtaken by events as the Annual General Meeting (AGM) has already been held.
  2. The application dated 28/1/2025 is moot and marked as withdrawn by the Plaintiffs/Applicants.
  3. Costs of the two applications are awarded to the Defendants/Respondents.
  4. This file be and is hereby marked as closed.

**DATED, SIGNED AND DELIVERED AT NAKURU THIS 5<sup>TH</sup> DAY OF MARCH, 2025.**

**PATRICIA GICHOHI**

**JUDGE**

In the presence of:

Mr Kimaru for mr Muchiri for Plaintiffs/Applicants

Mr Kiage for the Defendants

Ruto, Court Assistant

