



**Gucokaniriria Kihato Farmers and Traders Company Ltd v Ichoya & 3 others; Registrar of Companies (Interested Party) (Miscellaneous Application E151 of 2023) [2024] KEHC 1308 (KLR) (Civ) (15 February 2024) (Ruling)**

Neutral citation: [2024] KEHC 1308 (KLR)

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

**CIVIL**

**MISCELLANEOUS APPLICATION E151 OF 2023**

**JN MULWA, J**

**FEBRUARY 15, 2024**

**BETWEEN**

**GUCOKANIRIRIA KIHATO FARMERS AND TRADERS COMPANY LTD ..... PLAINTIFF**

**AND**

**JONAH ICHOYA ..... 1<sup>ST</sup> DEFENDANT**

**DAVID GITOME ..... 2<sup>ND</sup> DEFENDANT**

**PETER KIARIE ..... 3<sup>RD</sup> DEFENDANT**

**PAUL THIGE ..... 4<sup>TH</sup> DEFENDANT**

**AND**

**REGISTRAR OF COMPANIES ..... INTERESTED PARTY**

**RULING**

1. There are two motions for determination before this court, dated 22/08/2023 and 3/10/2024.
2. The motion dated 22/08/2023 was brought by the Plaintiff seeking several orders among them setting aside and/or nullifying the resolutions passed a purported Annual General Meeting convened by the Defendants on 10/08/2023 and directed to the Registrar of Companies restraining the Registrar of Companies from registering the Defendants as the Legal Directors of the Plaintiff pending hearing and determination of the suit. It is brought under Order 40 and 51 of the *Civil Procedure Rules*, and Section 277-280 of the 2015 *Companies Act* and Section 1A, 1B and 3B of the *Civil Procedure Act*.



3. The motion dated 3/10/2023 is brought by the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Defendants under Articles 159 and 50 of the Kenya Constitution.

The Applicants seek an order to strike out the defendant's motion dated 22/08/2022 and upon so doing, to dismiss the suit with costs to them.

They also sought in the alternative, an order of stay of proceedings in this suit to await hearing and determination of a similar suits filed at Nyeri, being Nyeri Hcc. No. E010 of 2022 and Nyeri Hcc. No. E015 of 2022.

4. On 18/10/2023, the parties advocates agreed to prayer No. 5 in the motion dated 3/10/2023 effectively staying proceedings in this suit to await hearing and determination of the Nyeri High Court suits stated above.
5. In effect therefore, these proceedings having been stayed by consent of the parties, the motions dated 22/08/2023 and 3/10/2023 follow suit. They too shall await outcome of the Nyeri suits.
6. In the meantime, an order of *status quo* in respect of this suit is issued to last upto the determination of the Nyeri High Court cases. This suit shall be mentioned on 29/07/2024 for further directions.

Orders accordingly.

**DATED, SIGNED AND DELIVERED AT NAIROBI THIS 15<sup>TH</sup> DAY OF FEBRUARY, 2024.**

**J. N. MULWA**

**JUDGE**

