



Kandagor & 3 others v Kiptoo & 3 others (Constitutional Petition E002 of 2024) [2024] KEHC 5917 (KLR) (23 May 2024) (Ruling)

Neutral citation: [2024] KEHC 5917 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KABARNET
CONSTITUTIONAL PETITION E002 OF 2024**

RB NGETICH, J

MAY 23, 2024

BETWEEN

**LABAN A KANDAGOR 1ST APPLICANT
WILLIAM BASWONY 2ND APPLICANT
STEPHEN K. CHEMJOR 3RD APPLICANT
DAVID C. KIPYOS 4TH APPLICANT**

AND

**JENNIFER KIPTOO 1ST RESPONDENT
RICHARD KITILIT 2ND RESPONDENT
CORNELIUS CHESEREM 3RD RESPONDENT
AUGUSTINE CHEBII 4TH RESPONDENT**

RULING

1. I have heard and considered submissions by counsels for all the parties herein in respect to prayer for *status quo*. On Monday 21/5/2024 when the counsels herein addressed this court, it was not clear who the current signatories of the account in the name Kituro Farmers’ Cooperative Society Limited were.
2. I gave directions to the bank manager Cooperative Bank Kabarnet Branch to clarify to court the current officials and signatories of Kituro Farmers’ Co-operative Society Limited and the signatories of the 2 accounts being:
 - a. Ksh. Ac. No. XXXXXX700.
 - b. Usd Acc. No. XXXXXX97001.



3. By letter dated May 22, 2024 addressed to the court by Branch Manager Cooperative Bank Philip Kosgei, the signatories of the above 2 accounts as follows:
 1. Laban A. Kendagor – Chairman
 2. William C. Baswony – Chairman
 3. David C. Kipyoo – Treasurer
 4. Stephen K. Chemjor – Secretary
4. From the pleadings filed in court, the above 4 signatories are the petitioners herein. All the parties have confirmed that the 2 accounts hold money which is to be paid to 242 farmers who are awaiting payments of their produce. In the interest of justice, it would be fair and just to grant orders of *status quo* to be maintained to avoid delay in payment of the said farmers as this matter is being prosecuted in court. From the foregoing, I hereby order that *status quo* be maintained pending hearing and determination of this application *interparties*.
5. By *status quo*, I mean the current signatories who have been confirmed by Cooperative Bank manager vide letter dated 22/5/2024. The 4 signatories to continue transacting in the 2 bank accounts being Kshs. No. XXXXXX9700 and Usd Ac. No. XXXXXX9700 Pending hearing and determination of this application *interparties*.

RULING DELIVERED, DATED AND SIGNED IN VIRTUALLY AT KABARNET THIS 23RD DAY OF MAY 2024.

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RACHEL NGETICH

JUDGE

In the presence of:

Ms. Chesaro for the Petitioners

Ms.Mokoit for 1st to 4th Respondents

Kaimogul for Interested party

