



**Adano v Chairman IEBC of Kenya National Chamber of Commerce & Industry & 14 others (Civil Suit E003 of 2023) [2023] KEHC 20358 (KLR) (20 July 2023) (Ruling)**

Neutral citation: [2023] KEHC 20358 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT GARISSA  
CIVIL SUIT E003 OF 2023**

**JN ONYIEGO, J  
JULY 20, 2023**

**BETWEEN**

**GURE ALI ADANO ..... PLAINTIFF**

**AND**

**CHAIRMAN IEBC OF KENYA NATIONAL CHAMBER OF COMMERCE &  
INDUSTRY ..... 1<sup>ST</sup> RESPONDENT**

**KENYA NATIONAL CHAMBER OF COMMERCE & INDUSTRY .... 2<sup>ND</sup>  
RESPONDENT**

**DR. ERIC KIPKOECH RUTTO ..... 3<sup>RD</sup> RESPONDENT**

**MUSTAFA MOHAMED RAMADHAN ..... 4<sup>TH</sup> RESPONDENT**

**STANLEY KIPLAGAT BASKWONY ..... 5<sup>TH</sup> RESPONDENT**

**GEORGE KIMIRI KARANJA ..... 6<sup>TH</sup> RESPONDENT**

**JOHN SHIMAKA ..... 7<sup>TH</sup> RESPONDENT**

**CYNTHIA NYAWIRA KAMAU ..... 8<sup>TH</sup> RESPONDENT**

**KENNEDY ONDITI ..... 9<sup>TH</sup> RESPONDENT**

**DAVID MBATIANY ..... 10<sup>TH</sup> RESPONDENT**

**JOSEPH MUTAVI KITHU ..... 11<sup>TH</sup> RESPONDENT**

**ABDULLAHI ABDI HERSI ..... 12<sup>TH</sup> RESPONDENT**

**HUSSEIN MOHAMED JAMA ..... 13<sup>TH</sup> RESPONDENT**

**SHAKIR SWALEH MOHAMED ..... 14<sup>TH</sup> RESPONDENT**

**REGISTRAR OF COMPANIES ..... 15<sup>TH</sup> RESPONDENT**



## RULING

1. I have considered the application by Dr. Thinguri that the intended adoption of the consent agreement filed herein be suspended until his application dated 19-7-2023 is heard and determined. M/s Waihenya, Mr. Oguttu and Mr. Kihara who are in support of the adoption of the consent are of the view that Dr. Thinguri's application is overtaken by events as there will be no suit to be enjoined to upon adoption of the consent.
2. That in any event Dr. Thinguri is already a plaintiff in Petition number E118/2023 Nairobi High Court where the subject matter similar to this one is still alive. Dr. Thinguri admitted the fact that he is the plaintiff in the Nairobi Suit which touches on the same subject and that his lawyer Mr. Oguttu had misled him. Having taken into account that the plaintiff herein wishes to withdraw his case, he cannot be forced to hang on.
3. Secondly, upon adoption of the consent order, there will be no suit upon which Dr. Thinguri will litigate. In any event, he is already a happy plaintiff in the Nairobi case. His application is just but an abuse of the Court process.
4. Accordingly, the consent order herein dated 11<sup>th</sup> July, 2023 is adopted as an order of the court. The suit is therefore marked as settled. Dr. Thinguri's application is therefore spent as there is no suit in place.
5. Regarding costs, the same is covered in the consent only in so far as it affects the signatories to the consent.

**J. N. ONYIEGO**

**JUDGE**

