

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

MILIMANI COMMERCIAL & TAX DIVISION

CIVIL CASE NO. E386 OF 2019

CHILD WELFARE SOCIETY OF KENYA.....PLAINTIFF

-VERSUS-

EQUITY BANK (KENYA) LIMITED.....DEFENDANT

R U L I N G

I have considered the arguments by the Parties and the issues raised and it is apparent that this is a matter that warrants the court's direction in terms of Article 159(2) (d) of the Constitution to promote alternative dispute resolution and amicable settlement. I also note that the matter has a direct effect on the rights of the child which are at all material times paramount in any consideration by the Court or any other body under Article 53 of the Constitution and the Children Act.

Bearing this in mind, and without addressing the merits of the case, I hereby direct as follows:

1. **THAT** all the Trustees of the Child Welfare Society of Kenya including the Principal Secretary, National Treasury shall meet within the next seven (7) days to resolve all matters concerning the accounts at Equity bank including making provision for any interim measures necessary for the protection of children.
2. The Principal Secretary, Ministry of Labour and Social Protection shall be notified of this order.
3. Mention on 19/11/2019 for directions and further orders in order to confirm compliance and for that purpose all the Trustees shall attend court.

DATED AND DELIVERED AT NAIROBI THIS 8TH DAY OF NOVEMBER, 2019.

D. S. MAJANJA

JUDGE

Mr. Rapando for the Plaintiff.

Mr. Kamande for Prof. Albert Mumma for the Defendant.