



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI

JUDICIAL REVIEW NO. 408 & 451 (CONSOLIDATED) OF 2016

IN THE MATTER OF ALLEGED CONTRAVENTION OF FUNDAMENTAL RIGHTS

AND

**FREEDOMS UNDER ARTICLES 27,32,35,36,43,47,48 AND 50 OF THE CONSTITUTION OF
KENYA 2010**

AND

IN THE MATTER OF SOCIETIES ACT CAP 108

AND

**IN THE MATTER OF CONTRAVENTION TO RIGHT TO FAIR ADMINISTRATIVE
ACTION, EQUALITY AND FREEDOM, HUMAN DIGNITY AND RIGHT TO FREEDOM OF
ASSOCIATION**

AND

IN THE MATTER OF AN APPLICATION FOR LEAVE TO APPLY FOR JUDICIAL REVIEW

AND

IN THE MATTER OF ACCESS TO JUSTICE

AND

**IN THE MATTER OF ULTRAVIRES, PREJUDICIAL, UNWARRANTED, ILLEGAL,
OMISSION OF DULY REGISTERED ELECTED /APPOINTED PERSONS FROM THE BOOK
OF REGISTRAR**

AND

**IN THE MATTER OF AFRICAN INDEPENDENT PENTECOSTAL CHURCH OF AFRICAN
AND NAIROBI BRANCH**

SAMUEL MBURU KIMANI.....1ST APPLICANT

ANNE WANJIRU KAHORA.....2ND APPLICANT
ROBERT NJOROGE NGARUIYA3RD APPLICANT
SAMUEL WANJOHI MUCHIRI.....4TH APPLICANT
STEPHEN MACHARIA5TH APPLICANT
DAVID MWAURA MWANGI.....6TH APPLICANT
PETER KARINGA NGUNJIRI7TH APPLICANT

AND

AMOS MATHENGE KABUTHU.....8TH APPLIAPPLICANT

VERSUS

REGISTRAR OF SOCIETIES.....1ST RESPONDENT
AFRICAN INDEPENDENT PENTECOSTAL CHURCH AFRICA.....2ND RESPONDENT
CENTRAL BOARD OF THE AFRICAN INDEPENDENT
CHURCH OF AFRICA.....3RD RESPONDENT

RULING NO. 2

1. This date was taken by consent of all the parties for the hearing of the substantive notice of motion dated 15th September 2016 in JR 408/2016 and JR 451/2016 which were consolidated.

2. The applicant and their advocates in both matters are absent. They are not here to prosecute their motions. No reasons are given for absence. That notwithstanding, the respondents counsels have informed the court that the two motions are overtaken by events as the elections of the Archbishop of African Independent Pentecostal Church Africa Church (AIPCA) were held on 9th January 2017 supervised by the Registrar of Societies as directed by Honourable Wasilwa J of the Employment and Labour Relations Court in ELRC Cause No. 1220 of 2016.

3. For the above reasons that the applicants in both applications are not present to prosecute their applications and that in any event the applications have been overtaken by events yet the applicants have not bothered to withdraw the applications, I hereby dismiss the two twin applications as filed for non attendance to prosecute with costs to the respondents.

Orders accordingly.

Dated, signed and delivered at Nairobi this 18th day of January, 2017.

R.E. ABURILI

JUDGE

18/1/2017

In the presence of Mr Makokha counsel for the 2nd and 3rd respondents

Mr Munene for the 1st respondent

N/A for the applicants

CA: George