



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT MACHAKOS**

**CIVIL SUIT NO. 13 OF 2020**

**REV. NAHASON WAMBUA MWANGANGI .....1<sup>ST</sup>**

**PLAINTIFF**

**REV. TOM NTHENGE MWANGANGI .....2<sup>ND</sup>**

**PLAINTIFF**

**REV. LUCAS MUTISYA MAWEU .....3<sup>RD</sup>**

**PLAINTIFF**

**REV. CHRISTOPHER MATHEKA NDAMBUKI .....4<sup>TH</sup>**

**PLAINTIFF**

**REV. TITUS MWENDWA KATINGU .....5<sup>TH</sup>**

**PLAINTIFF**

***VERSUS***

**REV. LEONARD MUNYAO WAMBUA**

**.....DEFENDANT**

**RULING**

1. The dispute in this case begun way back in the year 2019 when it is alleged that the Respondent herein begun “mismanaging” the Eaglerise Christian Church, by re-organising the Eastern Church

contrary to the Constitution of the church. The Plaintiffs therefore approached this court by way of plaint dated 30<sup>th</sup> June 2020 for a declaration that the actions of the Defendant were unlawful, null and void and of no consequence and for an order to compel him to strictly comply with the constitution. They also sought a permanent injunction restraining him, his agents, servants and/or employees from interfering with the offices or work of the Plaintiffs in the church. Also sought was an order to compel the Respondent to render an account of the funds of the church and Eaglerise Girls Center from December 2019 and to deal therewith strictly in the manner he should in the constitution.

2. Simultaneously filed with the plaint, was a Notice of Motion dated 30<sup>th</sup> June 2020 wherein the Plaintiffs' sought interim and temporary injunctions and other reliefs pending interpartes hearing of the application and hearing and determination of the suit.
3. The record shows that intervening applications were filed by parties seeking other reliefs such as to be enjoined to the proceedings. Most of those applications were heard and dismissed by my predecessor, Kemei J.
4. In the meantime, the application dated 30<sup>th</sup> June 2020 had not been heard interpartes. The record however shows that on 8<sup>th</sup>

July 2020 the court, Kemei J, granted orders for the parties to maintain the status quo pending the hearing of that application interpartes. He also issued a similar order on 30<sup>th</sup> July 2020.

5. The current application which is a Notice of Motion dated 28<sup>th</sup> October 2025 is premised on the order for maintenance of the status quo. The application principally seeks orders to set aside a ruling of the CM's Court in Mavoko being MCCO MMSU/E021 of 2025 dated 11<sup>th</sup> September 2025 for being contra the status quo orders issued by this court on 30<sup>th</sup> July 2020. The current application also seeks for the same reason, to stay a ruling of the Makindu court delivered in MCCC E006 of 2025. In prayers 4, 5 & 6 the court is urged to grant orders maintaining and retaining the leadership of Athi River Eagle Rise Christian church and the 1<sup>st</sup> Plaintiff as senior pastor and restraining any alteration of the leadership of the church until further orders. It is also sought that the orders if granted be enforced by the Inspector General of Police through the officer commanding stations in the respective jurisdictions.
6. The gravamen of this application is that the two courts below have heard applications and delivered rulings whose effect is to oust the order for status quo granted by this court on 30<sup>th</sup> July 2020 and the said rulings should therefore be set aside so as to reinstate the order for status quo made by this court. The application is supported by the affidavit of Nahashon Wambua

Mwangangi – the 1<sup>st</sup> plaintiff/Applicant sworn on 28<sup>th</sup> October, 2025 was vehemently opposed by the Respondent.

7. The application was canvassed through oral submissions. The Applicants were represented by Dr. Khaminwa who appeared together with Mr. Martin Muithya, Advocate while the Respondents were represented by Mr. Mwangela Advocate.

8. I have carefully considered the application, the grounds, the affidavits in support and in reply, the rival submissions, the texts cited and the law and as the present application revolves the issue of status quo it is important to first deal with the issue of whether there exists as any order for status quo.

9. I have painstakingly perused the record and found as follows:

(i) That in respect to the application dated 30<sup>th</sup> June 2020 there was in fact an order for status quo issued by Kemei J on 8<sup>th</sup> July 2020. That order was to subsist until the hearing of the said application interpartes.

(ii) That on 30<sup>th</sup> July 2020 Kemei J issued another order which was in respect to prayer 3 of an application dated 29<sup>th</sup> July 2020 pending interpartes of that application or further orders.

10. It is a fact evidence by the record that the application dated 30<sup>th</sup> June 2020 was subsequently withdrawn by the Applicant on

9<sup>th</sup> November 2021. The withdrawal was supposed to be in favour of proceeding to the substantive hearing of the case. It is trite that once an application is withdrawn the consequent orders are also set aside hence the order of status quo made by Kemei J on 8<sup>th</sup> July 2020, was set aside. It is instructive that the hearing of the main suit did in fact kick off on 13<sup>th</sup> June 2023 and several witnesses were heard. Also noteworthy is that on 21<sup>st</sup> March 2023 my predecessor, in the case, Muigai J rejected an invitation to issue an order for status quo on the ground that it was not clear what the status quo was.

11. I have also come across other notable applications. These are the chamber summons dated 28<sup>th</sup> July 2020 in which certain persons sought to be enjoined to the suit as defendants or interested parties. The record shows that the said application was heard by Kemei J and dismissed in a ruling delivered on 27<sup>th</sup> July 2021.

12. The other notable application is the one dated 29<sup>th</sup> July 2020. In that application the plaintiffs sought to cite the respondent for contempt of court for violating the order dated 8<sup>th</sup> July 2020 (as we have seen this order was discharged upon withdrawal of the application dated 30<sup>th</sup> June 2020). In the same application, the Applicants sought an order for return of certain musical instruments belonging to the church's branch at Masimba by the Respondent. An order was also sought to

restrain the police officers at Masimba from interfering with the operations of the church. The court was also urged to make any other orders it deemed fit to safeguard the dignity and rule of law by ensuring its orders were complied with. The alleged order for status quo made on 30<sup>th</sup> July 2020 arose from this Notice of Motion dated 29<sup>th</sup> July 2020. That application was dismissed by Kemei J on 27<sup>th</sup> January 2021. In effect therefore, the status quo order made on 30<sup>th</sup> July 2020 was discharged.

13. The upshot is that currently there is no order for status quo as Muigai J rejected any invitation to grant one on 21<sup>st</sup> March 2023. In the premises there is no order that this court can properly say has been ousted by the two courts below. It was expected that the suit would proceed expeditiously and a decision made one way or the other once and for all. Several witnesses had been heard and by now the interests of the parties in the suit would have been determined. The application dated 20<sup>th</sup> October 2025 is not merited and is dismissed. Should parties feel aggrieved by the impugned rulings, they can appeal or seek review in those courts.

14. Before I pen off let me caution parties that it does not pay to file a multiplicity of suits and/or applications when this one has almost reached conclusion. But for the conduct of the parties it would have been decided by now. This court was prepared to hear and resolve the dispute between the parties expeditiously

and the sideshows can only be a distraction. Parties must focus and ensure that they comply with the directions of the court so as to bring this dispute to an end.

15. That said, the application of 28<sup>th</sup> October 2025 is dismissed for want of merit but as parties are members of the same church I shall order that each shall bear their own costs.

Orders accordingly

**Ruling signed, dated and delivered virtually on this 4<sup>th</sup> December 2025.**

**E. N. MAINA  
JUDGE**

**IN THE PRESENCE OF:**

Dr. Khaminwa together with Mr. Muithya for the Plaintiffs/Applicants

No appearance for the Defendant/Respondent

Court Assistant/Interpreter: Geoffrey