



REPUBLIC OF KENYA



KENYA LAW
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**Oduor & another v Headlink Publishers t/a Weekly Citizen & another
(Civil Suit E031 of 2025) [2026] KEHC 12 (KLR) (6 January 2026) (Ruling)**

Neutral citation: [2026] KEHC 12 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
CIVIL SUIT E031 OF 2025
RN NYAKUNDI, J
JANUARY 6, 2026**

BETWEEN

MAURICE ODUOR 1ST PLAINTIFF

DR JUNE CHEBICHII ODUOR 2ND PLAINTIFF

AND

HEADLINK PUBLISHERS T/A WEEKLY CITIZEN 1ST DEFENDANT

JARED OPIYO 2ND DEFENDANT

RULING

1. Before this court is a Notice of Motion brought under Order 40 Rule 2 and 3 of the Civil Procedure Rules Section 1A 1B and 3A of the *Civil Procedure Act* and Article 159 of *the constitution* and all enabling provisions of the law which states as follows:-
 1. That pending the hearing and determination of this application inter parties an injunction does issue restraining the Defendants by themselves, agents, servants or otherwise from publishing or causing to be publishing or causing to be published in any form whatsoever, any new item, story statements, article, words, images, and caricatures on the internet website newspaper, Facebook X or in any media whatsoever that are defamatory against the plaintiffs
 2. That pending the hearing and determination of the Application inter partes, the Defendants be compelled to pull down, delete, erase, or otherwise remove the story posted on digital edition of the weekly citizen newspaper on this webpage under the banner “ An Eldoret- based advocate found in a messy love scandal and that the be barred from further publishing the said article as said.
 3. That pending the hearing and determination of this suit, an injunction does issue restraining the Defendants by themselves, agents, servants or otherwise from publishing or causing to be



published in any form whatsoever, any news item, story, statements articles, words, images and caricatures on the internet, webisodes, newspaper, facebook X or in any media whatsoever that are defamatory against the plaintiff.

4. That pending the hearing and determination of the suit, the Defendants be compelled to pull down, delete erase or otherwise remove the story posted on digital edition of the weekly citizen newspaper on this webpage and that they be barred from further publishing the said article as said.

WHICH APPLICATION is premised upon the following grounds:

- a. On or about 3rd or 4th November 2025, the Defendants jointly and severally published a newspaper article in the weekly citizen newspaper under the headline “An Eldoret – based advocate found in a messy lover scandal
 - b. The article discussed the character of the 1st plaintiff in a manner that is defamatory in natural and ordinary meaning as follows:
 - c. Kisumu residents are still smarting off from allegations that an Eldoret-based advocates found himself in a messy love sandal that has left tongues wagging.
 - d. The advocates identified as Maurice Oduor is said to have travelled to Kisumu for what he told his wife and colleagues was a brief client meeting
 - e. But sources later revealed that the learned friend opted for a secret romantic escapade
 - f. According to other sources, Oduor booked an Airbnb apartment within Kisumu’s posh Milimani area for a secret rendezvous
 - g. However, things took a dramatic twist when another woman believed to be his longtime lover, stormed the apartment unannounced after allegedly tracking his movement
 - h. She came in shouting his name and accusing him of cheating said a neighbor.
 - i. The alleged drama is said to have attracted a curious crowd within minutes while both women accused their mand of double dealing
 - j. Sources close to Oduor has been financially involved with the two women for several months now.
 - k. The Kisumu drama has since become the talk on social pulpits
 - l. When contacted by weekly citizen for comments, Oduor admitted within the incident but declined to comment further
 - m. I have nothing to add (Kawe kaka iwinjeno) he charged before disconnecting the call
5. The defendant followed up the hard copy publication by repeating the story verbatim in the digital edition of the same newspaper on 4th November 2025, and the scandalous publication continues to be carried on the said website to the date.
 6. The words as published on the paper edition and repeated on the digital edition of the sad newspaper, and released on the public as a whole and shared through forwards in general and professional audiences, referred to the 1st plaintiff and were meant to refer to the none other than the 1st plaintiff



7. In their natural and ordinary meaning the words meant/mean and were /are understood by right thinking members of the society to mean that the 1st plaintiff is of an immoral character, is dishonest husband to hi wife, cheats on his wife, regularly engages in illicit sexual affairs among others as further particular in the plaint
 8. The defendant published statements are categorically false and actuated by malice reckless and not based on any factual considerations, but meant to disparage the reputation of the 1st plaintiff and were understood to refer to the 1st plaintiff directly in connection with various allegations of dishonesty, falsehoods and illegality, which acts were untrue, had not occurred and which the Defendant knew or ought to have known to be untrue
2. The same motion is annexed with an affidavit sworn by Maurice Oduor which states as follows:
- a. That I am the 1st Plaintiff in this matter hence competent to swear this affidavit.
 - b. That I am an advocate of the High Court of Kenya of 22 years ‘standing. (Annexed herewith and marked "MO1" is a copy of my Certificate of Admission and current practicing certificate).
 - c. That I am a Lecturer at Moi University School of Law where I have taught for the last 21 years mentoring thousands of students who have gone on to become influential members of the society including judges, magistrates and distinguished counsel. Besides I am a renowned researcher, publisher and consultant with clients from both Kenya and the world over. (Annexed herewith and marked "MO2" is a copy of my CV).
 - d. That I am husband to one Dr. June Chebichii, a renowned health practitioner in her own right practising within Elgeyo Marakwet and Uasin Gishu County.
 - e. That I am a father to 3 young children and guardian and mentor to many more than I can number.
 - f. That most of all, I serve as a member of my church within Eldoret City where I sit as a board member and also part of the team that leads the family ministry. I am at the forefront of advancing the cause of family and marriages in the society.
 - g. That my wife and I have been best couple in at least one wedding and both of us mentor young couples growing up in marriage or intending to enter into the institution.
 - h. That I have at all times maintained an unblemished professional and personal reputation.
 - i. That on or about 3rd or 4th November 2025, the Defendants jointly and severally published a newspaper article in weekly citizen newspaper under the headline” An Eldoret based advocate found in a messy love scandal
 - j. That the article discussed my character in a manner that is defamatory in natural and ordinary meaning as follows

Kisumu residents are still smarting off from allegations that an Eldoret – based advocate found himself in a messy love scandal that has left tongues wagging. The advocate identified as Maurice Oduor is said to have travelled to Kisumu for what he told his wife and colloquies was a brief client meeting but sources later revealed that the learned friend opted for secret romantic escapade. According to other sources, Oduor booked an Airbnb apartment within Kisumu’s Posh Milimani area for a secret rendezvous. However, things took a dramatic twist when another woman, believed to be his longtime lover, stormed the apartment unannounced after allegedly tracking his movements. She came in shouting his name and accusing him of cheating," a neighbor. The alleged drama is said to have attracted



a curious crowd within minutes while both women accused their man of double dealing. Sources close to Oduor say he has been in panic mode since the incident, frantically trying to contain the scandal before it reaches his wife back in Eldoret. Insiders claim Oduor has been financially involved with the two women for several months now. The Kisumu drama has since become the talk on social pulpits. When contacted by Weekly Citizen for comments, Oduor admitted the incident but declined to comment further. "I have nothing to add, (Kawe kaka iwinjeno)" he charged before disconnecting the call.

11. That the Defendants followed up the hard copy publication by repeating the story verbatim in the digital edition of the same newspaper on 4th November 2025, and the scandalous publication continues to be carried on the said website to date (see <https://weeklycitizen.co.ke/eldoret-advocate-in-kisumu-sex-drama/>.) (Annexed herewith and marked "MO3" is a printout of the webpage publication.)
12. That the words as published on the paper edition and repeated on the digital edition of the said newspaper, and released to the public as a whole, and shared through forwards in general and professional audiences, referred to me, and were meant to refer to none other than me.
13. That the Defendants referred to me by name in the story carried in both print and digital edition
14. That I am the only advocate known as Maurice Oduor, who practices in Eldoret.
15. That I was identified by a very large number of people, including advocates, students, classmates, pastors, employees, friends and acquaintances, close family, former students, former fellow lecturers and other peers. Many of these people have called me to ask about the story. The story was forwarded to my wife by a church member, to my student Dan Kutai, my colleague Dr. Vincent Mutai and my associate Evans Oduor and a former student Abdul Malik Magonga all of whom sat me down to ask about the veracity.
16. That I was clearly identifiable as the individual referred to by the said words, statements
17. That in their natural and ordinary meaning the words meant/mean and were/are
 - (a) I am of an immoral character
 - (b) I am a dishonest husband to my wife.
 - (c). I cheat on my wife.
 - (d). I regularly engage in illicit sexual affairs.
 - (e). I am a dishonorable man.
 - (f). I lie about his business dealings.
 - (g). I have illicit financial relations with women outside marriage.
 - (h). I seek sexual consort outside my marital vows.
 - (i). I have no respect for the institution of marriage.
 - (j). I have no regard to my status as an advocate and I routinely engage in unprofessional conduct unbecoming of my status as such.
 - (k). I am a man without a morsel of integrity.
 - (l). I am a liar.
 - (m). I am duplicitous. (



- n). I am a double dealer in sexual relations.
- (o). I do not value loyalty. (p). I have no regard for family values.
- (q). I have no respect for self.

18. That published statements are categorically false and actuated by malice, on any factual considerations, but meant to disparage the my reputation and were understood to refer me directly in connection with various allegations of dishonesty, falsehoods and illegality, which acts were untrue, had not occurred and which the Defendants knew or ought to have known to be untrue.

PARTICULARS OF MALICE

(a). Failing to prudently discharge their duty of care in ensuring the accuracy of the reports and statements published on the article leading to publication of untruthful statements leading to injury of my reputation. (b). Refusing and/or failing to consult or obtain a comment me before publishing the statements that touch on my character, moral standing and as an advocate practicing in the High Court of Kenya.

(c). Fabricating the lie that they had consulted and sought my comment prior to publishing the story and that I had been dismissive.

(d). Refusing to pull down the offending article from the website

(e) Aggravating the defamation by publication of the statements complained of in both the print and digital editions of the weekly newspaper with considerable public exposure and coverage to the whole world

2. The Respondents/Defendants were duly served with the suit papers but failed to enter appearance of file a replying affidavit. The application therefore proceeded as an undefended claim. On the part of the learned counsel for the Plaintiffs and Applicants to this motion, the contended in their written submissions that the threshold of granting an interlocutory injunction as settled in the following case law has been sufficiently established to persuade this court to grant the orders sought against the Respondent/Defendants: *Giella v Cassman Brown & Co. Ltd* (1973) EA 358, *Bernard v Perryman* (1891) 2 ch 269 *Cherem v Immediate Media Service* (2000) KLR 187 *Media Council of Kenya v Eric Orina* (2012) eKLR, See *Gilgil Hills Academy v the Standard Ltd* (2009) eKLR *Standard Ltd* (2009) eKLR *Standard Ltd v Scholastica Omondi & Another*, *Sim v Strech* and *Musikari Kombo v Royal Media Services*, *Mrao Ltd v First American Bank of Kenya Ltd*) *Kipyator Biwott v Mbuguss*, *Slipper v BBC*,

The authorities cited above by learned counsel Mr. Oduor for the Applicants emphasizes the following key conditions to be discharged by an Applicant under Order 40 Rule 1 & 2 of the Civil Procedure Rules.

- i. An applicant must show a prima facie case with a probability of success
 - ii. An injunction will not normally be granted unless the applicant might otherwise suffer irreparable injury.
 - iii. When the court is in doubt, it will decide the application on the balance of convenience.
3. This is the framework upon which the instant application shall be determined within the parameters of case law and order 40 Rule 1 & 2 of the Civil Procedure Rules. In the discussion which follows, I



delve into more details on explanatory legal notes as to the conditions to be met in exercise of Judicial discretion.

Decision

4. First and foremost, is about what constitutes a prima facie case in the realm of interlocutory injunctions: “ The principle that a prima facie case must be shown with a probability of success seems to have been generally accepted in Kenya but account must also be taken of the provisions of section 52 of the Transfer of Property Act the implication a movable which is property that good reason must be shown to the Court in dealing with the subject of a pending suit. Until the Court is able to determine be the issue both justice and equities in the case demand that the status quo be preserved the fruits so that if the plaintiff succeeds, he will not be left with an empty e circumstance of which he cannot realize and justice would be defeated. In it would not be right to vacate the caution, for instance, if cautioner had a substantial point in his favor, and it would be unfair for to vacate it. In such circumstances the cautioner might be asked to give undertaking as to damages. See Baber Mawji v United States International University, High Court civil case number 512 of 1976; Tikerten Estates Ltd v well Ltd [1974] 1 All ER 209.
5. Similarly. In the case of Nyutu and Others v Gatheru and Others (1990) KLR 554 the court made the following observations: “Whether or not to grant an injunction is in the discretion of the court and the discretion is a free one but must be judicially exercised. It must be based on common sense and legal principles. To succeed the applicant must, firstly, show a prima- facie case in the suit with a probability of succeeding when it will come for hearing. Secondly, that unless granted an injunction he is likely to suffer injury incapable of adequate redress by an award of damages. Thirdly, that in the event the court is in doubt on either or both the above matters that balance of convenience, when circumstances of both parties are put on the balance, is in favor of granting an injunction”
6. The case before this court involves the tort of defamation as pleaded in the main suit stated to have been committed by the Respondents jointly and severally as against the Plaintiff/ Applicants. In paragraph 8 of the amended plaint, the impugned Article discussed the character of the 1st Plaintiff/Applicant in the following language and style:Kisumu residents are still smarting off from allegations that an Eldoret – based advocate found himself in a messy love scandal that has left tongues wagging.The advocate identified as Maurice Oduor is said to have travelled to Kisumu for what he told his wife and colloquies was a brief client meeting but sources later revealed that the learned friend opted for secret romantic escapadeAccording to other sources, oduor booked an Aribnb apartment within Kisumu’s Posh Milimani area for a secret rendezvousHowever, things took a dramatic twist when another woman, believed to be his longtime lover, stormed the apartment unannounced after allegedly tracking his movements.She came in shouting his name and accusing him of cheating,” a neighbor.The alleged drama is said to have attracted a curious crowd within minutes while both women accused their man of double dealing.Sources close to Oduor say he has been in panic mode since the incident, frantically trying to contain the scandal before it reaches his wife back in Eldoret.Insiders claim Oduor has been financially involved with the two women for several months now.The Kisumu drama has since become the talk on social pulpits. When contacted by Weekly Citizen for comments, Oduor admitted the incident but declined to comment further.I have nothing to add (kawe kaka Iwinjenmo) he charged before disconnecting
7. In the same Plaint, the Plaintiff/Applicants avers that in the ordinary meaning the words were and understood by the right thinking members of society to mean that
 - a. The 1st Plaintiff’s is of an immoral character



- b. The 1st Plaintiff is dishonest husband to his wife
 - c. The 1st Plaintiff cheats on his wife
 - d. The 1st Plaintiff regularly engages in illicit sexual affairs
 - e. The Plaintiff is a dishonorable man
 - f. The 1st Plaintiff lies about his business dealings
 - g. The 1st Plaintiff has illicit financial relations with women outside his marriage
 - h. The 1st Plaintiff seeks sexual consort outside his marital vows
 - i. The 1st Plaintiff has no respect for the institution of marriage
 - j. The first Plaintiff has no regard to his status as an advocate and would routinely engage in unprofessional conduct unbecoming of his status as such
 - k. The 1st Plaintiff is a man without a morsel of integrity
 - l. The 1st Plaintiff is a liar
 - m. The 1st Plaintiff is a double dealer in sexual relations
 - n. The 1st Plaintiff does not value loyalty
 - o. The 1st Plaintiff has no regard for family values
 - p. The 1st Plaintiff has no respect for self
8. This is the epitome of the suit in question. Typically, the expectation of the law on Judicial discretion to grant interlocutory injunction on defamation cases revolves around the following key principles:
- a. Prima Facie Case: The plaintiff must establish a prima facie case with a probability of success, meaning they have a genuine and arguable case that a right has been infringed.
 - b. Manifestly Defamatory: The words complained of must be "so manifestly defamatory that any verdict to the contrary would be set aside as perverse".
 - c. Irreparable Injury: The applicant needs to demonstrate that they would suffer irreparable injury that could not be adequately compensated by damages if the injunction is not granted.
 - d. Balance of Convenience: If there is doubt regarding irreparable injury, the court considers the balance of convenience, which often tilts against granting an injunction where public interest and freedom of the press are concerned, except in cases of witch-hunt, malice, or bad faith.
 - e. Special Caution with Media/Public Interest: The court exercises greater caution when the injunction involves the media or matters of public interest, as judicial censorship should be an exception rather than the norm.
 - f. Defence must be considered: A court ought not to issue an injunction without first having seen the defence raised by the defendant (e.g., justification, fair comment, privilege).
9. The following cases in summary demonstrate the direction courts have taken in granting or declining interlocutory injunction orders under Order 40 Rule 1 & 2 of the Civil Procedure Rules on the tort of defamation. *Giella v Cassman Brown & Co. Ltd* [1973] EA 358: The foundational case establishing the general principles for interlocutory injunctions in Kenya. *Cheserem v Immediate*



Media Services [2000] 2 EA 371: This Court of Appeal case refined the Giella principles for defamation matters, emphasizing that injunctions should only be granted in the clearest cases. Bridge International Academies v Sossion: A case where the High Court granted an injunction restraining the publication of defamatory statements and compelled the retraction of a pamphlet. Johnson v Nation Media Group Plc & 2 others [2025] KEHC 13737: A recent High Court case discussing the balancing of the right to reputation and free press, emphasizing that public interest prevails except in exceptional circumstances like malice or vendetta. Mbarire v Nation Media Group Plc [2025] KEHC 9239: This ruling reiterates the need for courts to be cautious in granting injunctions in defamation cases due to competing interests of private reputation and public interest in free speech. Stomach Clinic Limited v Fina Bank Limited [2010] eKLR: A case cited in other judgments relating to a defamation suit where issues such as limitation periods were considered.

10. From the face of the Notice of Motion and the panoramic view of the amended Plaintiff subject matter of this claim the court has no doubt that the claim on defamation is not frivolous nor vexatious in other words there is a serious question to be tried. In essence the Plaintiff/Applicants have established a prima-facie case to warrant this court to issue an interlocutory injunction as against the Respondent/Defendants jointly and severally couched in the following language: That pending the hearing and determination of the Application inter partes, the Defendants be compelled to pull down, delete, erase, or otherwise remove the story posted on Digital edition of the Weekly Citizen newspaper on this webpage: <https://weeklicitizen.co.ke/eldoret-advocate-in-kisumu-sex-drama/> under the banner "An Eldoret-based advocate found in a messy love scandal" and that they be barred from further publishing the said article as said. That pending the hearing and determination of this suit, an injunction does issue restraining the Defendants by themselves, agents, servants or otherwise from publishing or causing to be published in any form whatsoever, any news item, story, statements, articles, words, images, and caricatures on the internet, websites, newspaper, Facebook, X, or in any media whatsoever that are defamatory against the Plaintiffs. That pending the hearing and determination of the suit, the Defendants be compelled to pull down, delete, erase, or otherwise remove the story posted on Digital edition of the Weekly Citizen newspaper on this webpage: <https://weeklicitizen.co.ke/eldoret-advocatein-kisumu-sex-drama/> under the banner "An Eldoret-based advocate found in a messy love scandal" and that they be barred from further publishing the said article as said.
11. For avoidance of doubt, the Applicants shall effect a second service to the Respondents/Defendants to notify them of the pre-trial conference with regard to the main suit to be held on 18.2.2026 in compliance with Order 11 of the Civil Procedure Rules. The costs of this application shall abide the outcome of the main suit.

GIVEN UNDER MY HAND AND THE SEAL OF THIS COURT THIS 6TH DAY OF JANUARY 2026

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R. NYAKUNDI
JUDGE

