

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT MILIMANI
CIVIL CASE NO. E123 OF 2025

RICHARD STANLEY TAKIM.....
PLAINTIFF

=VERSUS=

LUKE CHIANGA CHIANGA.....
DEFENDANT

RULING

1. The Plaintiff is a pastor. This is a defamation suit which he has filed against the Defendant. It relates to material published on social media platforms(Instagram, Facebook, Twitter and Telegram), accusing the Plaintiff and his church of cultism and various other vices. The Plaintiff’s grievance is that the said material is defamatory and aims at damaging his reputation, discrediting his integrity and inflicting lasting harm on both his personal and professional reputation. The Defendant has not yet filed a Defence in this matter.
2. Filed in this suit with the Plaintiff, was an Application dated 13th May 2025. The same which was principally filed pursuant to Order 40 of the Civil Procedure Rules, was supported by a Supporting Affidavit sworn by the Plaintiff. The texts of the said publications have been stated verbatim in the Plaintiff and in the Application.
3. This ruling is on the said Application. The Application has sought the following orders.

(1) (Spent).

- (2) *(Spent).*
- (3) *That this Court be pleased to grant restraining Orders barring Defendant/Respondent by himself, his agents, servants or anyone acting on his under his authority or on his behalf, from uttering, producing, broadcasting, publishing, or republishing in any form or through any media or social media platform, any statements, content, or material of a defamatory nature concerning the Plaintiff/Applicant.*
- (4) *That the Defendant be restrained from making any public comments or statements or procuring or permitting any person in his presence or under his influence to make any such comments or statements on his behalf, regarding the subject matter herein, hearing and determination of this suit.*
- (5) *That this Court be pleased to Order the Defendant to pull down the said defamatory article from Instagram, Facebook, twitter/X and Telegram, pending the hearing and determination of this suit.*
- (6) *Any other and further relief that this Honourable court may deem fit and just to grant in the circumstances*
- (7) *The costs of this Application.*

4. The impugned material quoted in the pleadings, is potentially defamatory; as it can lower one's estimation in the eyes of right-thinking members of society. Even though

this is the furthest my analysis can go; as this is the pre-trial stage and the suit has not gone to trial yet.

5. On the law and facts on record, I find that this Application has met the legal threshold stated in **Giella v. Casman Brown [1973] EA 358**. I Further find that the Application has additionally met the supplemental threshold required for grant of interlocutory injunctions in defamation suits.
6. That being additional factors especially that the material was simultaneously published on several platforms, namely Instagram, Facebook, Twitter/X and Telegram. As if to ensure it reaches a wide base of society. This to me increases the likelihood of repeat publication.
7. For that reason, I allow the Application partially, in terms that pending the hearing and determination of this suit, the Plaintiff deserves to be granted, and is therefore hereby granted, an interlocutory injunction, restraining the Defendant from publishing similar material about him.
8. As for the prayer for mandatory injunction for the pulling down or deletion of the offensive material from the internet, this is declined. As there is need for preserving the material, since it is the subject of this suit and is required to be available at the time of trial.
9. The Plaintiff shall have the costs of this Application.

DATED and DELIVERED at NAIROBI on this 20th day of January 2026.

**PROF (DR) NIXON SIFUNA
JUDGE**