



**Nganga & 3 others (Suing as the Registered Trustees of Disciples of Christ Foundation Fellowship Church) v Joseph Kamau Mande, John Mwangi Kabicho, Gilbert Ndungu Ndirangu (Sued as the Registered Trustees of New Covenant Disciples Church) & another (Environment & Land Case 323 of 2018) [2024] KEELC 3542 (KLR) (30 April 2024) (Judgment)**

Neutral citation: [2024] KEELC 3542 (KLR)

**REPUBLIC OF KENYA  
IN THE ENVIRONMENT AND LAND COURT AT NAKURU  
ENVIRONMENT & LAND CASE 323 OF 2018**

**A OMBWAYO, J  
APRIL 30, 2024**

**BETWEEN**

**PETER MUIRURI NGANGA ..... 1<sup>ST</sup> PLAINTIFF  
JOSEPHAT KARUNGI NGUGI ..... 2<sup>ND</sup> PLAINTIFF  
MESHACK NGANGA KARANJA ..... 3<sup>RD</sup> PLAINTIFF  
JOAB MARIGA KARANJA ..... 4<sup>TH</sup> PLAINTIFF  
SUING AS THE REGISTERED TRUSTEES OF DISCIPLES OF CHRIST  
FOUNDATION FELLOWSHIP CHURCH**

**AND**

**JOSEPH KAMAU MANDE JOHN MWANGI KABICHO GILBERT NDUNGU  
NDIRANGU (SUED AS THE REGISTERED TRUSTEES OF NEW COVENANT  
DISCIPLES CHURCH) ..... 1<sup>ST</sup> DEFENDANT  
REGISTRAR OF SOCIETIES ..... 2<sup>ND</sup> DEFENDANT**

**JUDGMENT**

**Introduction**

1. The Plaintiffs commenced this suit vide an Amended Complaint dated 25<sup>th</sup> March, 2019 against the Defendants seeking the following orders:
  - a. A declaration that the Plaintiff is the lawful owner of all those properties namely Mau Summit Molo Block 5/1147 (moto), Waitaluk/ Kapkoi Block 13/wehoya/898, Bahati Kabatini Block 1/9975, Mau Narok / Siapei Block 7/466, Mau Narok/ Siapei Block 1/ 1641 (likia), Ruiru/ Kiu Block 2/14612, Ruiru/ Kiu Block 2/14613, Sipili / Donyoloip Block 2/ 8130



(mutukanio), Maji Mazuri Block 1 (igure) / 861, Plot No. 1 And Plot No. 2 Forming Part Of Guthera B Women Group Plot No. 1031, Plot No. 8 Of Munanda Farmers Self Help Group., Plot No. 176/18 Forming Part Of Mutukanio Game Miti Mingi Zion Development Project Plots, Plot No Sc/868/aa-08 Of Certificate No. 0266 Surecom Investments, Thika, Plot No. Sc/868/ Aa-07 Of Certificate No. 0260 Surecom Investments Thika, Plot No. 7 & 8 Block 2 Of Certificate No. 060 Ruiru Wa-b Investments, Plot No. 7 & 8 Block 2 Of Certificate No. 061 Ruiru Wa- B Investment, Plot No. 032 Forming Part Of Plot No. 1437 Of Ruiru Nyakinyau 1 Ltd, Plot No. 41 - Komo Of Certificate No. 6343 Mawakim Kuiguthania Investment Limited, Plot No. 42- Komo Of Certificate No. 6344 Mawakim Kuiguithania Investment Limited, Plot No. 44- Komo Of Certificate No. 6345 Mawakim Kuiguithania Investment Limited, Plot No. 494 Of Certificate No. 17465 Thika Uhuru Welfare Association, Plot No. 915 Of Certificate No. 17465 Thika Uhuru Welfare Association, Plot No. 041 Block 13 Certificate No. 17465 Juja Uhuru Welfare Group., Plot No. 62 Nguriga Trading Centre Nakuru., Plot No. 369 Nguriga Trading Centre Nakuru., Plot No. 1347 At Githurai 44., Naivasha Mwicirigiri Block 4/6116., 50° 100 Ft Plot No. 8 Munanda Farmers Self Help Group., 100° 50 Plot Forming Part Of Dagoretti /waithaka /159., Plot No 131 Of Mararo 1559, Plot No. 2470 Mugaa Trading Centre., 50 100 Ft Plot At Ndabibi (jikaze) % Acre Portion Of Plot No. 1117 (b) Block 3 Kenton Kijabe.. 50 100 Ft Portion Of F/17 -1128., Plot No. 2 Nakuru Kiriri Portion Of Parcel No. 556., Plot No. 65 Kabati Site & Service, Plot No. 240 Heni Village, 50\*100 Ft Portion Of Lr 13542/42, Karagatta 0.25 Acres, Plot No. 2574 Part Of Maraigu Shu Block 1 No. 102., Plot No. 18 Munyaka Estates Eldoret Municipality. Plot No. 176/18 Portion Of Mutukanio Game Miti Mingi Plots No. 176., Gilgil/ Gilgil Block 1/5308 (kikopey), Plot No. 298 (kihoto), Plot At Kilovillage, 100\* 50 Ft Plot At Jua Kali Mwhoko S.h.g., Plot No. 712 Gilgil., Plot No. 45 Njoro, Nakuru Municipality., Bahati/bahati Block 1/1736., Plot No. 19 At Milimani Centre., 1/4 Acre Portion Of Rare/ Bagaria/808,0.046 Ha Portion Of Gilgil Karunga Block 10/62 (074), Plot No.242 Olopiyo Nairobi/block/119/3031 Subdivision Of Lr 5964/2, Plot No.26 Block 4 N/enkare, Plot No.1347 Forming Part Of L.r No.5964/2, % Care Plot Portion Of Molo South/ikumbi Block 3/101 (mawingu), Molo South/ikumbi Block 3/101 (moto), Plot No.95 Nyagachu Farm Kerenget, Plot Letter For Plot No.425 Kiangombe, Plot No.131 Mararo 1556, Plot No.2470 Mugaa Trading Centre, Plot No.1117 (b) Forming Part Of B;lock 3 Kenton Kijabe, Plot No.2 Nakuru Kiriri Forming Part Of Parcel No.556 In Ndulele, Parcel No.kabati Site & Service Nu,mber 65 Within Naivasha, 50x100 Ft Plot Portion Of Lr. No.13542/43, Plot No.2574 Portion Of Maraigushu Block1 No.102, Plot No.176/18, Plot No. Gilgil/gilgil Block 1/5308 (kikopey), 50x100 Ft Plot Forming Part Of Plot No.298 (kihoto), Plot No.712 Gilgil, Plot No.45 Njoro, Plot No. Bahati Bahati Block 1/1736, 100\* 50 Ft Plot At Jua Kali Mwhoko S.h.g.

- b. An order for Cancellation of Title Documents of properties being Title Deed No. Mau Summit /molo Block 5/1147 (moto), Title Deed No. Waitaluk/ Kapkoi Block 13/ Wehoya/ 898, Title Deed No. Mau Narok/ Siapei Block 7/ 466, Title Deed No. Mau Narok/ Siapei Block 1/ 1641 (likia), Title Deed And Green Card For Plot No. Ruiru /kiu Block 2/14612, Title Deed No. Ruiru /kiu Block 2/ 14613, Title Deed Maji Mazuri Block 1 (igure)/ 861, Plot No. 494of Certificate No. 17465 Thika Uhuru Welfare Association, Plot No. 915 Of Certificate No. 17465 Thika Uhuru Welfare Association, Plot No. 041 Block 13 Certificate No. 17465 Juja Uhuru Welfare Group Registered In The Name Of New Covenant Disciples Church And The Same Be Registered In The Name Of Disciples Of Christ Foundation Fellowship.



- c. A permanent injunction restraining the 1<sup>st</sup> Defendant/Respondent either by itself, its trustees, agents, servants and followers from accessing, converting, using, leasing, charging, disposing of, causing the transfer of and/or transferring the ownership and/or registration of the Plaintiff's properties namely Mau Summit/ Molo Block 5/1147 (moto). Waitaluki Kapkolblock 13/wehoya/898 Bahati Kabatini Block1/9975, Mau Narok / Siapei Block 7/466, Mau Narok/ Siapei Block 1/ 1641 (likia), Ruiru/ Kiu Block 2/14612, Ruiru/ Kiu Block 2/14613, Sipili / Donyoloip Block 2/ 8130 (mutukanio), Maji Mazuri Block 1 (igure) / 861, Plot No. 1 And Plot No. 2 Forming Part Of Guthera B Women Group Plot No. 1031, Plot No. 8 Of Munanda Farmers Self Help Group., Plot No. 176/18 Forming Part Of Mutukanio Game Miti Mingi Zion Development Project Plots, Plot No Sc/868/aa-08 Of Certificate No. 0266 Surecom Investments, Thika, Plot No. Sc/868/ Aa-07 Of Certificate No. 0260 Surecom Investments Thika, Plot No. 7 & 8 Block 2 Of Certificate No. 060 Ruiru Wa-b Investments, Plot No. 7 & 8 Block 2 Of Certificate No. 061 Ruiru Wa- B Investment, Plot No. 032 Forming Part Of Plot No. 1437 Of Ruiru Nyakinyau 1 Ltd, Plot No. 41 - Komo Of Certificate No. 6343 Mawakim Kuiguithania Investment Limited, Plot No. 42- Komo Of Certificate No. 6344 Mawakim Kuiguithania Investment Limited, Plot No. 44- Komo Of Certificate No. 6345 Mawakim Kuiguithania Investment Limited, Plot No. 494 Of Certificate No. 17465 Thika Uhuru Welfare Association, Plot No. 915 Of Certificate No. 17465 Thika Uhuru Welfare Association, Plot No. 041 Block 13 Certificate No. 17465 Juja Uhuru Welfare Group., Plot No. 62 Nguriga Trading Centre Nakuru., Plot No. 369 Nguriga Trading Centre Nakuru., Plot No. 1347 At Githurai 44., Naivasha Mwirigiri Block 4/6116., 50° 100 Ft Plot No. 8 Munanda Farmers Self Help Group., 100° 50 Plot Forming Part Of Dagoretti/waithaka /159., Plot No 131 Of Mararo 1559, Plot No. 2470 Mugaa Trading Centre., 50 100 Ft Plot At Ndabibi (jikaze) % Acre Portion Of Plot No. 1117 (b) Block 3 Kenton Kijabe.. 50 100 Ft Portion Of F/17 -1128., Plot No. 2 Nakuru Kiriri Portion Of Parcel No. 556., Plot No. 65 Kabati Site & Service, Plot No. 240 Heni Village, 50\*100 Ft Portion Of Lr 13542/42, Karagatta 0.25 Acres, Plot No. 2574 Part Of Maraigu Shu Block 1 No. 102., Plot No. 18 Munyaka Estates Eldoret Municipality. Plot No. 176/18 Portion Of Mutukanio Game Miti Mingi Plots No. 176., Gilgil/ Gilgil Block 1/5308 (kikopey), Plot No. 298 (kihoto), Plot At Kilovillage, 100\* 50 Ft Plot At Jua Kali Mwihoko S.h.g., Plot No. 712 Gilgil., Plot No. 45 Njoro, Nakuru Municipality., Bahati/bahati Block 1/1736., Plot No. 19 At Milimani Centre., 1/4 Acre Portion Of Rare/ Bagaria/808,0.046 Ha Portion Of Gilgil Karunga Block 10/62 (074), Plot No.242 Olopiyo Nairobi/block/119/3031 Subdivision Of Lr 5964/2, Plot No.26 Block 4 N/enkare, Plot No.1347 Forming Part Of L.r No.5964/2, % Care Plot Portion Of Molo South/ikumbi Block 3/101 (mawingu), Molo South/ikumbi Block 3/101 (moto), Plot No.95 Nyagachu Farm Kerenget, Plot Letter For Plot No.425 Kiangombe, Plot No.131 Mararo 1556, Plot No.2470 Mugaa Trading Centre, Plot No.1117 (b) Forming Part Of B;lock 3 Kenton Kijabe, Plot No.2 Nakuru Kiriri Forming Part Of Parcel No.556 In Ndulele, Parcel No.kabati Site & Service Number 65 Within Naivasha, 50x100 Ft Plot Portion Of Lr. No.13542/43, Plot No.2574 Portion Of Maraigushu Block1 No.102, Plot No.176/18, Plot No. Gilgil/gilgil Block 1/5308 (kikopey), 50x100 Ft Plot Forming Part Of Plot No.298 (kihoto), Plot No.712 Gilgil, Plot No.45 Njoro, Plot No. Bahati Bahati Block 1/1736, 100\* 50 Ft Plot At Jua Kali Mwihoko S.h.g.
- d. A perpetual injunction to restrain them from fellowshipping in and/or interfering with the management of the affairs of the Plaintiff churches situate on the properties known as Mau Summit/ Molo Block 5/1147 (moto). Waitaluki Kapkolblock 13/wehoya/898 Bahati Kabatini Block1/9975, Mau Narok / Siapei Block 7/466, Mau Narok/ Siapei Block 1/ 1641 (likia),



Ruiru/ Kiu Block 2/14612, Ruiru/ Kiu Block 2/14613, Sipili / Donyoloip Block 2/ 8130 (mutukanio), Maji Mazuri Block 1 (igure) / 861, Plot No. 1 And Plot No. 2 Forming Part Of Guthera B Women Group Plot No. 1031, Plot No. 8 Of Munanda Farmers Self Help Group., Plot No. 176/18 Forming Part Of Mutukanio Game Miti Mingi Zion Development Project Plots, Plot No Sc/868/aa-08 Of Certificate No. 0266 Surecom Investments, Thika, Plot No. Sc/868/ Aa-07 Of Certificate No. 0260 Surecom Investments Thika, Plot No. 7 & 8 Block 2 Of Certificate No. 060 Ruiru Wa-b Investments, Plot No. 7 & 8 Block 2 Of Certificate No. 061 Ruiru Wa- B Investment, Plot No. 032 Forming Part Of Plot No. 1437 Of Ruiru Nyakinyau 1 Ltd, Plot No. 41 - Komo Of Certificate No. 6343 Mawakim Kuiguithania Investment Limited, Plot No. 42- Komo Of Certificate No. 6344 Mawakim Kuiguithania Investment Limited, Plot No. 44- Komo Of Certificate No. 6345 Mawakim Kuiguithania Investment Limited, Plot No. 494 Of Certificate No. 17465 Thika Uhuru Welfare Association, Plot No. 915 Of Certificate No. 17465 Thika Uhuru Welfare Association, Plot No. 041 Block 13 Certificate No. 17465 Juja Uhuru Welfare Group., Plot No. 62 Nguriga Trading Centre Nakuru., Plot No. 369 Nguriga Trading Centre Nakuru., Plot No. 1347 At Githurai 44., Naivasha Mwicirigiri Block 4/6116., 50° 100 Ft Plot No. 8 Munanda Farmers Self Help Group., 100° 50 Plot Forming Part Of Dagoretti /waithaka /159., Plot No 131 Of Mararo 1559, Plot No. 2470 Mugaa Trading Centre., 50 100 Ft Plot At Ndabibi (jikaze) % Acre Portion Of Plot No. 1117 (b) Block 3 Kenton Kijabe.. 50 100 Ft Portion Of F/17 -1128., Plot No. 2 Nakuru Kiriri Portion Of Parcel No. 556., Plot No. 65 Kabati Site & Service, Plot No. 240 Heni Village, 50\*100 Ft Portion Of Lr 13542/42, Karagatta 0.25 Acres, Plot No. 2574 Part Of Maraigu Shu Block 1 No. 102., Plot No. 18 Munyaka Estates Eldoret Municipality. Plot No. 176/18 Portion Of Mutukanio Game Miti Mingi Plots No. 176., Gilgil/ Gilgil Block 1/5308 (kikopey), Plot No. 298 (kihoto), Plot At Kilovillage, 100\* 50 Ft Plot At Jua Kali Mvihoko S.h.g., Plot No. 712 Gilgil., Plot No. 45 Njoro, Nakuru Municipality., Bahati/bahati Block 1/1736., Plot No. 19 At Milimani Centre., 1/4 Acre Portion Of Rare/ Bagaria/808,0.046 Ha Portion Of Gilgil Karunga Block 10/62 (074), Plot No.242 Olopiyo Nairobi/block/119/3031 Subdivision Of Lr 5964/2, Plot No.26 Block 4 N/enkare, Plot No.1347 Forming Part Of L.r No.5964/2, % Care Plot Portion Of Molo South/ikumbi Block 3/101 (mawingu), Molo South/ikumbi Block 3/101 (moto), Plot No.95 Nyagachu Farm Kerenget, Plot Letter For Plot No.425 Kiangombe, Plot No.131 Mararo 1556, Plot No.2470 Mugaa Trading Centre, Plot No.1117 (b) Forming Part Of B;lock 3 Kenton Kijabe, Plot No.2 Nakuru Kiriri Forming Part Of Parcel No.556 In Ndulele, Parcel No.kabati Site & Service Nu,mber 65 Within Naivasha, 50x100 Ft Plot Portion Of Lr. No.13542/43, Plot No.2574 Portion Of Maraigushu Block1 No.102, Plot No.176/18, Plot No. Gilgil/gilgil Block 1/5308 (kikopey), 50x100 Ft Plot Forming Part Of Plot No.298 (kihoto), Plot No.712 Gilgil, Plot No.45 Njoro, Plot No. Bahati Bahati Block 1/1736, 100\* 50 Ft Plot At Jua Kali Mvihoko S.h.g.

- e. A perpetual injunction to issue restraining the 1<sup>st</sup> Defendant/Respondent either by itself, its trustees, agents and servants from holding themselves out as members and/or ordained officials of the Plaintiff and/or performing or carrying out functions attendant to members and/or ordained officials of the Plaintiff.
- f. A declaration that the 1<sup>st</sup> Defendant's certificate of registration number 38375 issued on the 29<sup>th</sup> September, 2017 under file No. SOC/64827 in the name of NEW COVENANT DISCIPLES CHURCH be declared null and void and the 2<sup>nd</sup> Defendant be directed to recall and cancel it.



2. The 1<sup>st</sup> Defendant entered appearance and filed its statement of defence and counterclaim dated 4<sup>th</sup> February, 2019 where it denied the allegations in the plaint. They prayed for judgment against the Plaintiffs (now Defendants) for:
  - a. An order that the suit herein by the plaintiff is without cause of action and hence should be dismissed with costs.
  - b. Counter claim be allowed and judgment be delivered in favour of the defendant/Plaintiff as follows:-
    - i. A declaration that the registration of the defendant in 2011 in the church name Disciples of Christ Foundation Fellowship was bad in law and void ab initio.
    - ii. Cancellation of the certificate of Registration No. 35832 issued in 2011 and the same be reinstated as before 2011.
    - iii. A declaration that all churches formed from the year 1992 to 2011 and after by the plaintiff belong to the plaintiff and not the defendant and an order of perpetual or mandatory injunction be issued against the defendant by themselves, agents or servants from interfering with the plaintiffs' quiet enjoyment of all church named unless with a lawful court order or defendant's (now plaintiffs) consent.
    - iv. Costs of the suit
    - v. Any other relief as the court may deem fit to grant.
3. The 2<sup>nd</sup> Defendant filed its statement of defence dated 22<sup>nd</sup> May, 2019.

#### **Plaintiffs' Case**

4. Peter Muiruri Nganga testified as PW1. He produced his statement filed on 28<sup>th</sup> November, 2022 which was adopted as his evidence in chief. He testified that he is the chairman of the Disciple of Christ Foundation Fellowship Church. He added that they are the trustees of the church. He further testified that the initial name of the church was disciples of Christ church and that the Plaintiffs' and Defendants were members of the church.
5. He testified that the dispute was caused by disagreement of the leaders. He produced the letter dated 10<sup>th</sup> March, 2011. He further testified that they did a search of registration vide a receipt dated 24<sup>th</sup> June, 2011. That a gentleman by the name Kamau advised them to do an application for certificate. He produced a certificate of registration dated 27<sup>th</sup> October, 2021 which was marked as PEX 1. He also produced the certificate of the Defendant, File number 64827 dated 19<sup>th</sup> September, 2012 – PEX 2. He also produced the following documents:
6. Register certificate for file No.27830, Registration number 15256. Registered on 23<sup>th</sup> October, 1992 -PEX 3.
7. Registration file number 64827, Registrar certificate number R38375 issued on 29<sup>th</sup> September, 2017- PEX4.

Judgment on case number 187 of 2012- PMFI 5.

Letter dated 1<sup>st</sup> February, 2018 -PEX6.

Response on 2<sup>nd</sup> February, 2017-PEX 7.

Letter from Ogeto, Ogeto advocates-PMFI8.



Letter dated 22<sup>nd</sup> August, 2017 -PEX9.

Letter dated 23<sup>rd</sup> August, 2017 -PEX-10

Letter dated 25<sup>th</sup> September, 2017-PEX11.

Letter-PEX 12.

Document dated 29<sup>th</sup> September, 2017-PEX 13

Letter dated 6<sup>th</sup> March, 2018-PEX 14.

Letter dated 6<sup>th</sup> March, 2018 - PEX15.

Letter dated 16<sup>th</sup> November, 2011- PEX16.

Letter dated 18<sup>th</sup> January, 2012-PEX 17.

Letter dated 21<sup>st</sup> February, 2012-PEX 18.

8. He testified that they visited the Registration office where they met Mr. Onyango and they informed him that their society was not in existence in 1992. He further testified that they referred him to file number 61160 registered in 2011 and their certificate number 35832. He further testified that on 23<sup>rd</sup> February, 2012, the Defendant went to court. It was also his testimony that on 30<sup>th</sup> March, 2012 the officer wrote a letter to Ogeto & Ogeto clarifying the officials of Disciples of Christ Foundation Fellowship. He produced the letter - PMFI. 19. He went on to testify that on 20<sup>th</sup> September, 2012 their advocate wrote to the Registrar- PEX 20. He also produced a letter dated 21<sup>st</sup> September, 2012- PEX 21. He testified that they had a meeting on 2<sup>nd</sup> October, 2012 at 10.00 O'clock with one Mr Nganga (SDR) where the Plaintiff and Defendant were in attendance. He testified that the registrar had the Defendant's documents at page 32 which was produced as PEX 22 while the letter at page 53 produced as PEX 23. He testified that the plots titled at pages 54-72 were owned by Christ Foundation Fellowship between 2003 – 2010. Titles. The same were produced and marked as PMFI 24-PMFI 34.
9. In conclusion, he prays that the properties which belong to Disciples of Christ Foundation Fellowship remains as they are and the Certificate number 64827 canceled.
10. On cross examination by Ndichu for the 1<sup>st</sup> Defendant, the witness confirmed that they are trustees of disciples of Christ Foundation Fellowship with a Certificate of Registration number 35832 PEX1 issued on 27/10/2011. He further confirmed that he was not a trustee of Disciple of Christ Foundation Fellowship. He stated that in 2018 they were five trustees but currently they are four. He further stated that Meshack, Karanja was removed by the committee as a trustee two months ago. He admitted that he did not have minutes to confirm the same. He also admitted that they had not amended the pleadings and that they had no resolution to file the case. He also stated that he had the authority as a trustee but admitted to not having the authority from the other trustees. He added that he has been a member of Disciples of Christ Foundation Fellowship since 2002 and that the suit properties were acquired between 2002 and 2011. He also stated the church had always been referred to as Disciples of Christ Foundation Fellowship and that he was an evangelist in Kinagop, Kitale, Ol Kalou and Nyahururu.
11. He stated that the 1<sup>st</sup> Defendants were the trustees until 2011 and that the properties were being registered in the names of members of the society. He stated that in 2011, Meshack Nganga Karanja was the chairman, he was the secretary while Josphat Karunge Ngugi was the treasurer. He confirmed that the name of the society is Disciples of Christ Foundation Fellowship and added that paragraph 2 of the application did not have any list of properties. He also stated that they were issued with certificate number 35832 on 27<sup>th</sup> October, 2011 and that the certificate issued on 4<sup>th</sup> April, 2022 was corrected



in 2012. He stated that he was an employee of the 1<sup>st</sup> Defendant and added that page 109 of the 1<sup>st</sup> Defendant's bundle of documents had his I.D from Disciples of Christ Foundation Fellowship. He went on to state that as at 13<sup>th</sup> June, 2009 he was engaged with Disciples of Christ Foundation Fellowship and that an application was made on 24<sup>th</sup> June, 2011 and the Certificate was issued on 24<sup>th</sup> October, 2011. He stated that Disciples of Christ Foundation Fellowship was registered in 1992 and a Certificate issued on 23<sup>rd</sup> October, 1992. He stated that The Foundation started in 2002 and that the letter dated 10<sup>th</sup> March, 2011 was for application of a salary increment. He admitted that they were not employees and that he was not allowed to officiate weddings.

12. PW1 stated that their society was registered on 24<sup>th</sup> October, 2011 and that the property they are claiming was acquired before registration. We are claiming the property that was acquired before our registration. He stated that his claim is with regard to the registration of Disciples of Christ foundation fellowship. He also stated that they acquired the property through harambees as church elders where he was the chairman of Nairobi Central section. The witness was referred to Page 41 of the bundle of documents where he confirmed that the allotment letter dated 22<sup>nd</sup> August, 2012 was issued to disciples of Christ Foundation fellowship church Bagania Centre number 15256. He stated that it was the certificate that was issued to Disciples of Christ Foundation Fellowship. He added that by 22<sup>nd</sup> August, 2012 they had already registered their entity. He confirmed that page 79 is a sale agreement. PW1 further confirmed that they had already registered certificate number 15256 and stated that they had no issue with Disciples of Christ Foundation Fellowship. He stated that PEX 4 had been issued to new covenant Disciples church. He admitted that the same was initially known as Christ Foundation Fellowship.
13. Upon reexamination, He stated that the certificate of registration dated 23<sup>rd</sup> October, 1992 under registration number 15256 does not indicate the file number. He further stated that the letter at pages 46,47, and 48 clarified the state of the company. He stated that the society was not started in 1992 but in 2002. He also stated that the certificate dated 1992 was not genuine as it was canceled by the judgment in case no. 187 of 2012.

This marked the close of the Plaintiff's case.

## **2<sup>nd</sup> Defendant's case**

13. Zahra Ahmed testified that she works as a state counsel in the office of the registrar of societies. She testified that she had an affidavit of Jacob Kihara sworn on 5<sup>th</sup> June, 2019 where one, Mr. Ikiara confirmed that the entity Disciples of Christ Foundation Fellowship was registered on 27<sup>th</sup> October, 2011 and a certificate number 35832 was issued. She further testified that the 1<sup>st</sup> Defendant now registered as New Covenant Disciples Church was registered on 19<sup>th</sup> September, 2012 and issued with certificate number 38375. It was her testimony that the 1<sup>st</sup> Defendant was advised to change the name as it was similar to another society. She testified that she did confirm that the certificate number 15256 claiming that disciples of Christ Foundation Fellowship was registered in 1992 was an error as no entity was registered at that time.
14. Upon cross examination by Ndichu for the 1<sup>st</sup> Defendant, she confirmed that the certificate was issued to disciple of Christ foundation fellowship and that the one issued to the plaintiff was 35832. She further confirmed that where an entity was in operation, it had to indicate so in its application. She admitted that the application indicated that they did not have any property. She confirmed that JM1B was an application by the 1<sup>st</sup> Defendant disciple of Christ Foundation Fellowship. She stated that the registration file number she had, HOC,64827 belonged to New Covenant Disciples Church formerly known as Disciples of Christ Fellowship Church. She went on to state that in the file, there was a



letter from state counsel deputy registrar of society claiming that although the entity disciples of Christ foundation fellowship registered in 1992 was duly registered, the registration number 15256 given to the party “FORD KENYA” was an error. She added that the certificate of registration number 15256 issued on 23<sup>rd</sup> October, 1992 had been registered to a political party, Ford Kenya. She stated that the same had been erroneously issued to Disciples of Christ Foundation Fellowship.

15. She went on to state that there was no way they could have known that there was an error and added that the office of registrar advised the officials of Disciples of Christ Foundation Fellowship to change their name. She stated that the officials were under proper obligation to trade under Disciples of Christ Foundation Fellowship. She stated that the Disciples of Christ Foundation was registered in 1992 but there was an error as number on the certificate belonged to Ford Kenya. She stated that the transactions done vide certificate number 15256 were done legally and that the error can't be blamed on trustees. She further stated that she had records for the Disciples of Christ Foundation Fellowship. Certificate No. R 38375. She added that they were told to change name to which they changed to New Covenant Disciples Church. The name on the application form is disciple of Christ Foundation Fellowship. She produced an extract of the Registration which was marked as 2<sup>nd</sup> DEX 1,2, and 3. She also produced a letter dated 28<sup>th</sup> September, 2015 marked as 2<sup>nd</sup> DEX 4.
16. The witness stated that Disciples of Christ Foundation Fellowship was legally in operation since 23<sup>rd</sup> October, 1992 vide receipt from their offices dated 6<sup>th</sup> September, 2002. She confirmed that the certificate number 13256 was erroneously issued and that the error is on the part of whoever issued the document. She also confirmed that registration number 38375 was a caution in the entity registered as 12256. She added that the corrected certificate number 38375 acquired properties. The witness stated that from the application dated 24<sup>th</sup> June, 2011 they did not have the declaration of the properties.
17. She confirmed that the application JM1(3) was the initial application made by chairman Joseph K Mande V.C John Mwangi Karuchu secretary Gilbert Ndungu Ndirangu, officials of the 1<sup>st</sup> Defendant. That they have shown that the properties were issued under certificate number 15256. She also confirmed that Disciples of Christ Foundation Fellowship is not the same as Disciple of Christ Foundation Fellowship.
18. On cross examination by Ms. Kinyanjui for the Plaintiffs, the witness was referred to 2<sup>nd</sup> Defendant's DEX1 where she confirmed that the certificate number is 15256 and that there was an error. She further confirmed that she had no application form from Disciples of Christ Foundation Fellowship dated 19<sup>th</sup> September, 2012. She added that the Society number is 64827 while the registration number is 38375. She confirmed that it was possible to have a 2<sup>nd</sup> certificate in the 1st defendant's name and though they were told to change the name, they could not do so due to tax returns. She stated that it had escaped the attention of the Registrar that another organization existed and that the 2<sup>nd</sup> certificate was issued as an error. That the certificate of 1992 was issued erroneously as the registration was for FORD. She added that the certificate issued in 1992 was a forgery. She also stated that the Certificate number 6160 is for Disciple of Christ Foundation Fellowship. In conclusion, she stated that she joined the registration office in 2020 and added that she had no records of disciples outreach Foundation.

This marked the close of the 2<sup>nd</sup> Defendant's case.

### **1<sup>st</sup> Defendant's case**

19. Joseph Kamau Mande testified as 1<sup>st</sup> DW1 where his statement dated 7<sup>th</sup> November, 2022 filed on 8<sup>th</sup> November, 2022 was adopted as his evidence in chief. He testified that he is a pastor of New Covenant Disciples Church formerly disciples of Christ foundation fellowship. He testified that Disciples of Christ Foundation Fellowship was started in 2002. His list of documents filed on 7<sup>th</sup> February, 2019



- and 8<sup>th</sup> November, 2012 were also adopted as his evidence in chief. The same were marked as 1<sup>st</sup> DEX 1 and 1<sup>st</sup> DEX 2
20. He testified that Disciples of Christ Foundation Fellowship was registered on 23<sup>rd</sup> October, 1992 where they were issued with a certificate copy on 23<sup>rd</sup> October, 2002. He further testified that they made an application and registration was made on 6<sup>th</sup> September, 1992 after which he received the certificate on 6<sup>th</sup> September, 2002. It was his evidence that the certificate was issued on 23<sup>rd</sup> October, 1992 and certified on 23<sup>rd</sup> October, 2002. He further testified that he made an application for registration of a church on September 6<sup>th</sup> September, 2002 and they were told that some companies were already dormant. He testified that they were given a document number by the Registrar in the name of disciples of Christ Foundation fellowship. He testified that they went ahead and applied for the license and added that they have been filing returns.
  21. He testified that they have been filing returns using certificate number 5256 and that they had also opened an account with the Co-op Bank of Kenya. He further testified that the Plaintiffs were their association in church and in 2004 they applied to be parties. That Peter and Josephat applied to be preachers and their IDs were issued by disciples of Christ Foundation Fellowship. He testified that page 111 is a letter dated 10<sup>th</sup> March, 2022 to the church board by the plaintiffs seeking salary increment. The witness testified that the problem started in 2011 when they did not increase their salaries. He further testified that the properties in dispute belong to disciples of Christ Foundation Fellowship and added that the Plaintiffs were using their documents from the lower court. He testified that he could not recall case number Nakuru CMCC 36/2018 but added that the same revolved on land where their case was dismissed. It was his testimony that the Plaintiff's church is known as Disciple of Christ Foundation Fellowship while theirs is Disciples of Christ Foundation Fellowship registered on 27<sup>th</sup> October, 2011.
  22. He went on to testify that the application was done on 24<sup>th</sup> June, 2011 where they registered Disciple of Christ Foundation Fellowship where the applicant stated that they had no property. He testified that their properties were acquired in November 2002 and June 2011 by the Defendants. He further testified that the disciples of Christ Foundation Fellowship's address was 6863 Ruiru while that of the disciple(s) of Christ was 3950 Nakuru. He testified that they had beacons prior to registration as evidenced from the letter dated 28<sup>th</sup> September, 2015. That the registration concluded that the Plaintiffs' mischievously acquired their property. He further testified that they amended their name to now Foundation Disciples of Christ Foundation Fellowship where the registration of societies gave another certificate of registration no. 38375 dated 19<sup>th</sup> September, 2012. He urged the court to grant him the prayers as sought in his defence and counter claim filed 4<sup>th</sup> February, 2019.
  24. Upon cross examination by Ms. Kinyanjui for the Plaintiff, he confirmed that the church is New Covenant disciples church formerly disciples of Christ foundation fellowship. He further confirmed that the New covenant disciples church was registered on 23<sup>rd</sup> October, 2002 where he was issued with a certificate registration No.15256 for disciples of Christ Foundation. He also confirmed that the name had changed from Disciples of Christ foundation fellowship to New covenant disciples church. He added that there was letter for change of name dated 29<sup>th</sup> September, 2017 by Joane Ogolla. He also confirmed that Disciples of Christ foundation fellowship was initially registered on 23<sup>rd</sup> October, 1992 vide Society number 27830/15256.
  25. He stated that between 1992 and 2002 they were under the church Disciples of Christ church and that from 2002 they got property. He further stated that between 1992-2002 he was a member of the church. He admitted that he had nothing to show that he was a member. He also admitted that he did not have a registration certificate of 2002. He stated that the certificate in New covenant disciples was issued on 19<sup>th</sup> September, 2012 and that until 2011, they were in the same church. He stated that



the property was acquired between 2002 and 2011 and that they have now transferred the property to New Covenant disciples church. He further explained that the Plaintiffs are disciple of church foundation fellowship, Disciple without an “s”. He added that they acquired the property together with the Plaintiffs when they were still in his church. He stated that he is the chairman to new covenant disciples church where he is the custodian of documents.

26. He added that they bought the property as the church in the whole country. He admitted that he did not have evidence that they have 170 branches. He stated that as from 2012 they were not together and that the properties were acquired when the members of the plaintiff were members of the church. He also stated that some parcels were donated and that the property belonged to disciples of church Foundation fellowship. He stated that the Plaintiff went from disciples to disciple and they changed their church to disciples of Christ foundation fellowship to New Covenant Church. Disciples of Christ foundation fellowship was registered in 2012. Disciples of Christ fellowship was registered in the year 1992 and they were issued with a certificate in 2012. He stated that they are using the New covenant certificate which they used to transfer property.
27. On reexamination he was shown DEX4 where he stated that Joseph Onyango checked the documents. He stated that the certificate dated 28<sup>th</sup> October, 1992 was converted as security No. 64827 and that the correction was reflected in the certificate dated 19<sup>th</sup> September, 2012. He stated that the certificate dated 19<sup>th</sup> September, 2012 was not a new registration but correction of an error. He stated that the current entity is New Covenant disciples church which changed in 29<sup>th</sup> September, 2017 to new covenant disciples church. He further stated that they were employees of the defendant and that the properties were purchased by disciples of Christ foundation fellowship and not Disciple of Christ. He stated that the property belongs to the defendant
28. He also stated that there was a civil suit in the lower court where they disclosed the property in the suit. He added that the plaintiffs registered their church in 2011 and added that they are not members of the church.
27. If order sought are merited it will ..... the defendants being locked out of church. He stated that he had to transfer the property.

That marked the close of the 1<sup>st</sup> Defendant’s case.

## **Submissions**

28. The 1<sup>st</sup> Defendant filed their submissions dated 28<sup>th</sup> February, 2024 where he gave a summary of the pleadings and the evidence and identified six issues for determination. One was whether the Plaintiffs have the locus standi to bring this case on behalf of Disciples of Christ Foundation Fellowship. They cited a number of authorities including Daykio Plantations Limited V National Bank of Kenya Limited & 2 Others [2019] eKLR and Trustees Kenya Redeemed Church 7 Another V Samuel M’Obuya Morara & 5 Others [2011] eKLR. They submitted that the Plaintiffs have instituted this suit as trustees of Disciples of Christ Foundation Fellowship yet from the evidence the said persons are trustees of Disciple of Christ Foundation Fellowship which is a different society.
29. They submitted that the registrar of societies clarified that the two societies are distinct thus the trustees of one cannot purport to act for the other. They added that the Plaintiff never amended their pleadings to state that they are suing as trustees of Disciple of Christ Foundation Fellowship thus they don’t have capacity. They submitted that Peter Muiruri Nganga, Meshack Nganga Karanja, Josephat Karungii Ngugi and Joab Mariga Karanja have no locus standi to file suit on behalf of Disciples of Christ Foundation Fellowship and the suit should be struck out. The second issue is whether the case is defective as filed for failure to attach a resolution/authority to sue where they submitted that no



- authority was attached for Peter Muiruri Nganga to act on behalf of the other trustees. They relied on the case of Willis Ochieng Odhiambo V Kenya Tourist Development Corporation & Another Kisumu HCCC No. 51 of 2007. They relied on Order 4 Rule 1(3) of the Civil Procedure Rules and submitted that one of the trustees denied authorizing the suit. They further submitted that an unincorporated society can only sue through its officials being the trustees who ought to participate or give authority.
30. The third issue on who owns the suit property, they submitted that it was not in dispute that that the Plaintiffs were never trustees of Disciples of Christ Fellowship Church but only worked as evangelists before leaving in 2011 and forming their own society. They cited the case of Revelation Mission Centre V African Church of the Holy Spirit [2021] eKLR and submitted that the Plaintiffs upon discovering that the mother society had been erroneously registered as a political party saw an opportunity to register a society with a resembling name so as to grab the properties. They further submitted that some of the properties claimed by the Plaintiffs were acquired after the 1<sup>st</sup> Defendant had changed its name. The 1<sup>st</sup> Defendant submitted that the application by the Plaintiffs as trustees of Disciple of Christ Foundation Fellowship showed that they had no properties in 2011 or even acquired after 2011. The relied on the case of Registered Trustees of Christ's Co-Workers Fellowship Church (CHRISCO) V Grey Harts Limited & 4 Others [2022] eKLR and argued that the Plaintiff cannot claim to own land acquired before its inception. They further argued that the Plaintiffs have failed to explain where their claim of ownership of the properties stem from. They submitted that there is conclusive proof that the suit properties were acquired and owned by the 1<sup>st</sup> Defendants.
  31. The fourth issue for determination was whether the Plaintiffs have proven a case of fraud. The 1<sup>st</sup> Defendant relied on Section 107(1) of the *Evidence Act* and the case of Gichinga Kibutha V Caroline Nduku [2018] eKLR and argued that the Plaintiffs documents that were marked for production were never produced as evidence. The 1<sup>st</sup> Defendant added that no copies of green cards to the said properties were produced to prove any fraudulent entries. That the Plaintiff never called the land registrar to prove any allegations of fraud. They cited the case of Vivo Energy Kenya Limited V Maloba Petrol Station Limited & 3 Others [2015] eKLR and submitted that allegations of fraud ought to be proven as pleaded. They further submitted that the Plaintiffs could not be defrauded suit properties they did not own. They added that the society they worked for since 2022 is the same as the 1<sup>st</sup> Defendant.
  32. The fifth issue on whether the court should grant the prayers sought, they relied on Section 80 of the *Land Registration Act* and submitted that that no fraud or mistake has been proved to warrant cancellation of the title. On the final issue of costs, the 1<sup>st</sup> Defendant relied on the case of Republic V Rosemary Wairimu Munene, ex parte Applicant V Ihururu Dairy Farmers Cooperative Society and submitted that the Plaintiffs pay the costs of the suit.

### **Analysis and Determination**

33. I have considered the pleadings and the evidence on record and I am of the view that the following issues need to be determined:
  - a. Whether the Plaintiffs have the locus standi to institute this suit.
  - b. Who is the lawful owner of the suit properties?
  - c. Whether the Plaintiff is entitled to the prayers sought.
  - d. Whether the 1<sup>st</sup> Defendant is entitled to the prayers sought in the counterclaim.
34. It is trite law that a society can only sue or be sued through its office holders. It is not in dispute that the 1<sup>st</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Plaintiffs were trustees of Disciples of Christ Foundation Fellowship. PW1



- whose evidence was not rebutted testified that they were not trustees of Disciple of Christ Foundation Fellowship. In addition, PEX 14 confirms the office bearers of Disciples of Christ Foundation Fellowship which includes the Plaintiffs. It is this court's view that the Plaintiffs have the locus standi to institute this suit.
35. Going to the second issue, it is not in dispute that Disciples of Christ Foundation Fellowship was first registered on 23<sup>rd</sup> October, 1992 under registration number 15256. It was PW1's testimony that together with the 1<sup>st</sup> Defendant's they were members of the church and after having disputes with the church board on salaries, they went and registered their own society with a similar name on 24<sup>th</sup> October, 2011. This is evidenced by the certificate number 35832. It is the Plaintiffs' case, that they had acquired the suit properties before registration of their society.
  36. The 1<sup>st</sup> Defendant on cross examination confirmed that they acquired the suit properties between 2002 and 2011 together with the Plaintiffs when they were still members of Disciples of Christ Foundation Fellowship. It was the 1<sup>st</sup> Defendant's case that Plaintiffs have instituted this suit as trustees of Disciples of Christ Foundation Fellowship yet they are trustees of Disciple of Christ Foundation Fellowship. It was also their case that due to similarity of names they were advised by the 2<sup>nd</sup> Defendant to change their name Disciples of Christ Foundation Fellowship which they changed to New Covenant Disciples Church.
  37. The 2<sup>nd</sup> Defendant gave evidence that Disciples of Christ foundation Fellowship registered in 1992 was duly registered but that the registration number 15256 erroneously given to a political party "FORD KENYA". She admitted that the error was on their part and advised the officials of Disciples of Christ Foundation Fellowship to change their name. She however confirmed that the officials were under proper obligation to trade under Disciples of Christ Foundation Fellowship. She also confirmed that the transactions done vide certificate number 15256 were done legally and that the error could not be blamed upon the trustees.
  38. On the other hand, she admitted that the Plaintiff registered Disciple of Christ foundation fellowship where they were issued with a certificate number 35832. She confirmed that where an entity was in operation, it had to indicate so in its application and indicate whether they owned properties. She also confirmed that the initial application for registration of Disciples of Christ Foundation Fellowship made by officials of the 1<sup>st</sup> Defendant confirm that the suit properties were issued under certificate number 15256.
  39. This court is of the view that the Plaintiffs and 1<sup>st</sup> Defendants being members and officials of the Disciples of Christ Foundation Fellowship acquired the suit properties on behalf of the church. During the Plaintiff's evidence, it came out clearly that they had their own wrangles on matters salary prompting the Plaintiffs' to register another church similar to the initial one. It is also clear from the 2<sup>nd</sup> Defendant's evidence that despite there being two societies registered with similar names that caused some confusion with registration, the same was clarified by the office of the registrar of societies and the error corrected by the 1<sup>st</sup> Defendant changing their name to New Covenant Disciples Church.
  40. It is also this court's view that the properties acquired by Disciples of Christ Foundation Fellowship belongs to the church and not an individual. The Plaintiffs including the 1<sup>st</sup> Defendants are only holding the same in trust for the church and when they decide to leave, they don't leave with the church properties. The Plaintiffs' seem to have crafted a plan to take the church property by registering another church similar to that of the 1<sup>st</sup> Defendant. However, the plan failed since the 2<sup>nd</sup> Defendant was able to clarify the error. The Plaintiffs' contention that their society was not in existence in 1992 does not hold water since the same was overruled by the 2<sup>nd</sup> Defendant's evidence and testimony. It is therefore without a doubt that the suit properties having been acquired by Disciples of Christ Foundation



Fellowship, the same are held in trust by its trustees who are the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Defendants as evidenced by DEX2. The Plaintiffs are the trustees of Disciple of Christ Foundation Fellowship and therefore do not own the suit properties. Besides the Plaintiff's evidence was solely based on them being trustees of Disciples of Christ Foundation Fellowship. The 1<sup>st</sup> Defendants changed their name to New Covenant Disciples Church and maintained their ownership of the suit properties. I have also perused the court records and from the green cards attached, the suit properties are owned by the 1<sup>st</sup> Defendant, New Covenant Disciples Church. It is this court's view that the 1<sup>st</sup> Defendants have established how it came to acquire the suit properties and the same has been corroborated by the 2<sup>nd</sup> Defendant.

Section 24(a) of the [Land Registration Act](#) provides that:

“Subject to this Act, the registration of a person as the proprietor of land shall vest in that person the absolute ownership of that land together with all rights and privileges belonging or appurtenant thereto.”

41. In view of the above, this court finds that the 1<sup>st</sup> Defendants are the lawful owners of the suit properties.

42. In the case of *Kinyanjui Kamau –vs George Kamau* [2015] eKLR the court expressed itself as follows; -

“...it is trite law that any allegations of fraud must be pleaded and strictly proved. See *Ndolo –vs- Ndolo* [2008]1 KLR (G & F) 742 wherein the court stated that: “...we start by saying that it was the Respondent who was alleging that the will was a forgery and the burden to prove that allegation lay squarely on him. Since the Respondent was making a serious charge of forgery or fraud, the standard of proof required of him was obviously higher than that required in ordinary civil cases, namely proof upon a balance of probabilities; but the burden of proof on the Respondent was certainly not one beyond a reasonable doubt as in Criminal Cases...”

43. The Plaintiff pleaded fraud and gave particulars however, from the 2<sup>nd</sup> Defendant's evidence, the said particulars have not been proved. Having established that the 1<sup>st</sup> Defendants are the lawful owners of the suit properties, it means that the Plaintiffs have failed to prove their case to the required standard and thus cannot be granted the prayers as sought in their plaint.

44. The upshot of the above is that the 1<sup>st</sup> Defendant have established their case on a balance of probabilities.

45. Consequently, this court grants judgment in favour of the 1<sup>st</sup> Defendant in the following terms:

- a. A declaration that the 1<sup>st</sup> Defendants are the lawful owners of all those properties namely Mau Summit Molo Block 5/1147 (moto), Waitaluk/ Kapkoi Block 13/wehoya/898, Bahati Kabatini Block 1/9975, Mau Narok / Siapei Block 7/466, Mau Narok/ Siapei Block 1/ 1641 (likia), Ruiru/ Kiu Block 2/14612, Ruiru/ Kiu Block 2/14613, Sipili / Donyoloip Block 2/ 8130 (mutukanio), Maji Mazuri Block 1 (igure) / 861, Plot No. 1 And Plot No. 2 Forming Part Of Guthera B Women Group Plot No. 1031, Plot No. 8 Of Munanda Farmers Self Help Group., Plot No. 176/18 Forming Part Of Mutukanio Game Miti Mingi Zion Development Project Plots, Plot No Sc/868/aa-08 Of Certificate No. 0266 Surecom Investments, Thika, Plot No. Sc/868/ Aa-07 Of Certificate No. 0260 Surecom Investments Thika, Plot No. 7 & 8 Block 2 Of Certificate No. 060 Ruiru Wa-b Investments, Plot No. 7 & 8 Block 2 Of Certificate No. 061 Ruiru Wa- B Investment, Plot No. 032 Forming Part Of Plot No. 1437 Of Ruiru Nyakinyau 1 Ltd, Plot No. 41 - Komo Of Certificate No. 6343 Mawakim Kuiguthania Investment Limited, Plot No. 42- Komo Of Certificate No. 6344 Mawakim



Kuiguithania Investment Limited, Plot No. 44- Komo Of Certificate No. 6345 Mawakim Kuiguithania Investment Limited, Plot No. 494 Of Certificate No. 17465 Thika Uhuru Welfare Association, Plot No. 915 Of Certificate No. 17465 Thika Uhuru Welfare Association, Plot No. 041 Block 13 Certificate No. 17465 Juja Uhuru Welfare Group., Plot No. 62 Nguriga Trading Centre Nakuru., Plot No. 369 Nguriga Trading Centre Nakuru., Plot No. 1347 At Githurai 44., Naivasha Mwicirigiri Block 4/6116., 50° 100 Ft Plot No. 8 Munanda Farmers Self Help Group., 100° 50 Plot Forming Part Of Dagoretti /waithaka /159., Plot No 131 Of Mararo 1559, Plot No. 2470 Mugaa Trading Centre., 50 100 Ft Plot At Ndabibi (jikaze) % Acre Portion Of Plot No. 1117 (b) Block 3 Kenton Kijabe.. 50 100 Ft Portion Of F/17 -1128., Plot No. 2 Nakuru Kiriri Portion Of Parcel No. 556., Plot No. 65 Kabati Site & Service, Plot No. 240 Heni Village, 50\*100 Ft Portion Of Lr 13542/42, Karagatta 0.25 Acres, Plot No. 2574 Part Of Maraigu Shu Block 1 No. 102., Plot No. 18 Munyaka Estates Eldoret Municipality. Plot No. 176/18 Portion Of Mutukanio Game Miti Mingi Plots No. 176., Gilgil/ Gilgil Block 1/5308 (kikopey), Plot No. 298 (kihoto), Plot At Kilovillage, 100\* 50 Ft Plot At Jua Kali Mwiwoko S.h.g., Plot No. 712 Gilgil., Plot No. 45 Njoro, Nakuru Municipality., Bahati/bahati Block 1/1736., Plot No. 19 At Milimani Centre., 1/4 Acre Portion Of Rare/ Bagaria/808,0.046 Ha Portion Of Gilgil Karunga Block 10/62 (074), Plot No.242 Olopiyo Nairobi/block/119/3031 Subdivision Of Lr 5964/2, Plot No.26 Block 4 N/enkare, Plot No.1347 Forming Part Of L.r No.5964/2, % Care Plot Portion Of Molo South/ikumbi Block 3/101 (mawingu), Molo South/ikumbi Block 3/101 (moto), Plot No.95 Nyagachu Farm Kerenget, Plot Letter For Plot No.425 Kiangombe, Plot No.131 Mararo 1556, Plot No.2470 Mugaa Trading Centre, Plot No.1117 (b) Forming Part Of Block 3 Kenton Kijabe, Plot No.2 Nakuru Kiriri Forming Part Of Parcel No.556 In Ndulele, Parcel No.kabati Site & Service Number 65 Within Naivasha, 50x100 Ft Plot Portion Of Lr. No.13542/43, Plot No.2574 Portion Of Maraigushu Block1 No.102, Plot No.176/18, Plot No. Gilgil/gilgil Block 1/5308 (kikopey), 50x100 Ft Plot Forming Part Of Plot No.298 (kihoto), Plot No.712 Gilgil, Plot No.45 Njoro, Plot No. Bahati Bahati Block 1/1736, 100\* 50 Ft Plot At Jua Kali Mwiwoko S.h.g.

- b. An order of permanent injunction be and is hereby issued restraining the Plaintiffs from interfering, trespassing and selling of all those properties namely Mau Summit Molo Block 5/1147 (moto), Waitaluk/ Kapkoi Block 13/wehoya/898, Bahati Kabatini Block 1/9975, Mau Narok / Siapei Block 7/466, Mau Narok/ Siapei Block 1/ 1641 (likia), Ruiru/ Kiu Block 2/14612, Ruiru/ Kiu Block 2/14613, Sipili / Donyoloip Block 2/ 8130 (mutukanio), Maji Mazuri Block 1 (igure) / 861, Plot No. 1 And Plot No. 2 Forming Part Of Guthera B Women Group Plot No. 1031, Plot No. 8 Of Munanda Farmers Self Help Group., Plot No. 176/18 Forming Part Of Mutukanio Game Miti Mingi Zion Development Project Plots, Plot No Sc/868/aa-08 Of Certificate No. 0266 Surecom Investments, Thika, Plot No. Sc/868/ Aa-07 Of Certificate No. 0260 Surecom Investments Thika, Plot No. 7 & 8 Block 2 Of Certificate No. 060 Ruiru Wa-b Investments, Plot No. 7 & 8 Block 2 Of Certificate No. 061 Ruiru Wa-B Investment, Plot No. 032 Forming Part Of Plot No. 1437 Of Ruiru Nyakinyau 1 Ltd, Plot No. 41 - Komo Of Certificate No. 6343 Mawakim Kuiguithania Investment Limited, Plot No. 42- Komo Of Certificate No. 6344 Mawakim Kuiguithania Investment Limited, Plot No. 44- Komo Of Certificate No. 6345 Mawakim Kuiguithania Investment Limited, Plot No. 494 Of Certificate No. 17465 Thika Uhuru Welfare Association, Plot No. 915 Of Certificate No. 17465 Thika Uhuru Welfare Association, Plot No. 041 Block 13 Certificate No. 17465 Juja Uhuru Welfare Group., Plot No. 62 Nguriga Trading Centre Nakuru., Plot No. 369 Nguriga Trading Centre Nakuru., Plot No. 1347 At Githurai 44., Naivasha Mwicirigiri Block 4/6116., 50° 100 Ft Plot No. 8 Munanda Farmers Self Help Group., 100° 50 Plot Forming Part Of



Dagoretti /waithaka /159., Plot No 131 Of Mararo 1559, Plot No. 2470 Mugaa Trading Centre., 50 100 Ft Plot At Ndabibi (jikaze) % Acre Portion Of Plot No. 1117 (b) Block 3 Kenton Kijabe.. 50 100 Ft Portion Of F/17 -1128., Plot No. 2 Nakuru Kiriri Portion Of Parcel No. 556., Plot No. 65 Kabati Site & Service, Plot No. 240 Heni Village, 50\*100 Ft Portion Of Lr 13542/42, Karagatta 0.25 Acres, Plot No. 2574 Part Of Maraigu Shu Block 1 No. 102., Plot No. 18 Munyaka Estates Eldoret Municipality. Plot No. 176/18 Portion Of Mutukanio Game Miti Mingi Plots No. 176., Gilgil/ Gilgil Block 1/5308 (kikohey), Plot No. 298 (kihoto), Plot At Kilovillage, 100\* 50 Ft Plot At Jua Kali Mwhoko S.h.g., Plot No. 712 Gilgil., Plot No. 45 Njoro, Nakuru Municipality., Bahati/bahati Block 1/1736., Plot No. 19 At Milimani Centre,,1/4 Acre Portion Of Rare/ Bagaria/808,0.046 Ha Portion Of Gilgil Karunga Block 10/62 (074), Plot No.242 Olopiyo Nairobi/block/119/3031 Subdivision Of Lr 5964/2, Plot No.26 Block 4 N/enkare, Plot No.1347 Forming Part Of L.r No.5964/2, % Care Plot Portion Of Molo South/ikumbi Block 3/101 (mawingu), Molo South/ikumbi Block 3/101 (moto), Plot No.95 Nyagachu Farm Kerenget, Plot Letter For Plot No.425 Kiangombe, Plot No.131 Mararo 1556, Plot No.2470 Mugaa Trading Centre, Plot No.1117 (b) Forming Part Of Block 3 Kenton Kijabe, Plot No.2 Nakuru Kiriri Forming Part Of Parcel No.556 In Ndulele, Parcel No.kabati Site & Service Number 65 Within Naivasha, 50x100 Ft Plot Portion Of Lr. No.13542/43, Plot No.2574 Portion Of Maraigushu Block1 No.102, Plot No.176/18, Plot No. Gilgil/gilgil Block 1/5308 (kikohey), 50x100 Ft Plot Forming Part Of Plot No.298 (kihoto), Plot No.712 Gilgil, Plot No.45 Njoro, Plot No. Bahati Bahati Block 1/1736, 100\* 50 Ft Plot At Jua Kali Mwhoko S.H.G.

c. The Plaintiffs shall bear the costs of the suit.

It is so ordered.

**JUDGMENT DATED, SIGNED AND DELIVERED ON THIS 30<sup>TH</sup> DAY OF APRIL 2024.**

**A.O.OMBWAYO**

**JUDGE**

