



**Lorine Otieno t/a Lorine Otieno Services v Administrative Committee of the Southern Kenya Lake Field of the Seventh Day Adventist Church & 4 others (Petition E005 of 2024) [2025] KEHC 5019 (KLR) (25 April 2025) (Ruling)**

Neutral citation: [2025] KEHC 5019 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT BUSIA  
PETITION E005 OF 2024  
WM MUSYOKA, J  
APRIL 25, 2025**

**BETWEEN**

**LORINE OTIENO T/A LORINE OTIENO SERVICES ..... PETITIONER**

**AND**

**THE ADMINISTRATIVE COMMITTEE OF THE SOUTHERN KENYA LAKE FIELD OF THE SEVENTH DAY ADVENTIST CHURCH ..... 1<sup>ST</sup> RESPONDENT**

**DANIEL OTIENO ODEK ..... 2<sup>ND</sup> RESPONDENT**

**THE SOUTHERN KENYA LAKE FIELD OF THE SEVENTH DAY ADVENTIST CHURCH ..... 3<sup>RD</sup> RESPONDENT**

**WEST KENYA UNION CONFERENCE OF THE SEVENTH DAY ADVENTIST CHURCH ..... 4<sup>TH</sup> RESPONDENT**

**THE SEVENTH DAY ADVENTIST CHURCH (EAST AFRICA) LIMITED ..... 5<sup>TH</sup> RESPONDENT**

**RULING**

1. The proceedings herein commenced by way of petition, dated 25<sup>th</sup> July 2024, for declarations, with respect to a decision, allegedly made by the 1<sup>st</sup> and 2<sup>nd</sup> respondents, barring the petitioner from singing in any of the churches of the 5<sup>th</sup> respondent, within the 3<sup>rd</sup> respondent, on grounds that the rights of freedom of expression of the petitioner, among other rights and freedoms, had been violated.
2. A response was filed by the 2<sup>nd</sup> respondent, on his behalf and of the other respondents, vide an affidavit sworn on 14<sup>th</sup> October 2024.
3. I gave directions on 15<sup>th</sup> October 2024, for disposal of the petition, via viva voce evidence.



4. However, after subsequent filings, further directions were given, on 12<sup>th</sup> February 2025, to prioritise a preliminary objection on jurisdiction, raised by the respondents. The preliminary objection was to be argued orally on 20<sup>th</sup> February 2025, and I did take oral arguments on that said date and reserved ruling for 4<sup>th</sup> April 2025.
5. In the process of reading through the material filed by the parties, in preparation of the ruling, something has struck my mind, which has caused me to pause. I have noted that the events, the subject of these proceedings, have nothing to do with Busia. The petitioner is not a resident of Busia County. In her affidavits, she gives an address in Suna-Migori, her business outfit has an address at Nyamasaria-Kisumu, and she avers to worship in a church in Nairobi. I have also noted that none of the respondents are resident or based within Busia County. The petition gives their addresses as Oyugis, Kisumu and Nairobi.
6. The cause of action is alleged to have arisen from an internal memo, that was written on 10<sup>th</sup> October 2023, by the 2<sup>nd</sup> respondent, with respect to certain activities within the Southern Kenya Lake Field churches of the 5<sup>th</sup> respondent. There is nothing in that letter that would indicate that that area covers Busia. In the filings, I see nothing that indicates that the petitioner ever plied her trade within Busia County.
7. The impression I get is that the dispute herein is between parties who are not domiciled within Busia County, and with respect to activities that have nothing to do with Busia County. I sit as a Judge of the High Court of Kenya at Busia. I exercise jurisdiction over matters that fall within the territorial limits of Busia County. Although, as a High Court Judge, I have nationwide jurisdiction, administratively, for the sake of convenience to the parties, I am confined to matters that are associated with Busia, in terms of the residences of the parties and where the cause of action arose.
8. From what I see, in the papers filed herein, the petitioner has bases in Suna-Migori, Nyamasaria-Kisumu and Nairobi, and she should have considered filing her cause at the High Court stations situated in either of those locations. The alternative would have been to file the matter at the places where the respondents are located, being at Oyugis, Kisumu and Nairobi. There are High Court stations in all these places, Migori, Kisumu and Nairobi.
9. The petition herein should not have been filed at Busia, for it has nothing to do with Busia. It should have been filed at either Migori, Kisumu or Nairobi. There is a thing called forum-shopping, and I believe that is what the petitioner herein is trying to do. I will not entertain it. It would be abuse of process for me to. I am entitled to strike it out, but I shall refrain from doing so.
10. It would appear that the base for the Southern Kenya Lake Field of the Seventh Day Adventists is at Oyugis, within Migori County. I shall, accordingly, order that the matter herein be transferred to the High Court with jurisdiction over it, being the station at Migori. Let the Deputy Registrar, of the High Court at Busia, cause the file herein to be conveyed to the High Court registry at Migori, for disposal of the matter. An appropriate notice, of the said transfer, shall be given to the parties.
11. It is so ordered.

**DELIVERED VIA EMAIL, DATED AND SIGNED, IN CHAMBERS, AT BUSIA, THIS 25<sup>TH</sup> DAY OF APRIL 2025.**

**W. MUSYOKA**

**JUDGE**

Mr. Arthur Etyang, Court Assistant.



Advocates

Ms. Kijana, instructed by Kijana & Company, Advocates for the petitioner.

Mr. Sigei, instructed by Abisai & Company, Advocates for the respondents.

