

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NYAMIRA

CIVIL SUIT NO. 01 OF 2018

1. SAMWEL MARAK.....1ST PLAINTIFF/APPLICANT
2. ZABLON CHANGE.....2ND PLAINTIFF/APPLICANT
3. JOSIAH OYARO.....3RD PLAINTIFF/APPLICANT
4. DAVID NYARIBO.....4TH PLAINTIFF/APPLICANT
5. ALFRED NYAIRO.....5TH PLAINTIFF/APPLICANT
6. ZACHARY ONDARA.....6TH PLAINTIFF/APPLICANT
7. SAMWEL MOSE.....7TH PLAINTIFF/APPLICANT

=VRS=

THE COMMISSIONER OF CO-OPERATIVES....DEFENDANT/RESPONDENT

RULING

By the Notice of Motion dated 15th October 2018 and filed herein on even date, the applicants seek an injunction restraining the defendants, his agents and or servants from in any way removing them from the Management Committee of the Society until the suit herein is heard and determined.

The application is premised on grounds inter alia that the applicants are the ones that called for and provided evidence for the probe or inquiry whose report the respondent intends to use to remove them from the Management Committee. They aver that they are likely to suffer irreparable loss if the respondent's arbitrary decision stands and that it is only fair and just that the decision to dissolve the entire Management Committee is declared arbitrary, illegal, null and void.

I have considered the application, the depositions in the supporting affidavit and also considered the submissions of Counsel for the applicants. I have also perused the documents annexed to the affidavit and I am persuaded the application has merit and as it is not opposed, it is allowed. Accordingly, the respondent is hereby restrained from in any way removing the applicants from the Management Committee of the Society pending the hearing and determination of this suit. For the avoidance of doubt, that period shall not extend beyond the period within which the applicants' term of office comes to an end. The costs of this application shall be in the course.

Signed, dated and delivered in open court this 1st day of November 2018.

E. N. MAINA

JUDGE