



NYALI PRIMARY SCHOOL & KINDERGARTEN

Links Road - Nyali

P. O. Box 81050,

Mombasa.

Tel: 041-471120, Fax: 041-475632

The Mombasa Parents Club

Our ref: MPC/Gen/2023

Your Ref: Tba

Date: 17th February 2023

To All Members
Mombasa Parents Club
P.O Box 81050-80100
Mombasa.

Dear Members;

RE: SGM SCHEDULED FOR THE 18TH FEBRUARY 2023

The above matter refers.

Please note as follows:

1. On 6th February 2023 I issued a notice to convene a Special General Meeting of the Members of the Club.
2. Since then, I have received numerous correspondence from Members seeking certain clarifications and declaring interest to serve in the Elections Board. I have dutifully responded to these inquiries.
3. One of the correspondences that I received was an email and a letter dated 8th February 2023 from James Madara. The key demand in the letter was that I should issue a notice to postpone the SGM scheduled for the 18th February 2023. The letter is hereby attached.
4. I responded to the attached letter and advised the author that a motion for the postponement of the SGM could only be moved during the SGM and voted upon by Members on the floor of the meeting.
5. While preparations for the holding of the SGM scheduled for the 18th February 2023 were in top gear and in the final stages, I have been served with a Court order issued in **Mombasa Chief Magistrate's Court Case Number E140 of 2023 James Madara versus Mombasa Parents Club and Another.**
6. In the above case, the court issued an order on 16th February 2023 to restrain the Defendants either by themselves, their agents or otherwise from conducting the election of new members of the Election Board during the Special General Meeting to be held on 18th February 2023, instead of Annual General Meeting. A copy of the Court order issued on 16th February 2023 is hereby attached.
7. The effect of the court order is that the Club is prohibited by the Court from proceeding with the Special General Meeting and the nomination of members of the Election Board scheduled for the 18th February 2023.
8. We shall study the full set of pleadings filed in court and seek legal advice on the same and update the Members accordingly.

Yours Faithfully

Paul Munyao

Hon Secretary

Mombasa Parents Club

REPUBLIC OF KENYA
IN THE CHIEF MAGISTRATES COURT
AT MOMBASA
CIVIL CASE NO. E140 OF 2023

JAMES MADARA PLAINTIFF/APPLICANT

-VERSUS-

THE MOMBASA PARENTS CLUB.....1ST DEFENDANT/RESPONDENT
PAUL MUNYAO.....2ND DEFENDANT/RESPONDENT

(In Chambers on 16 February, 2023 before Hon. D.O MBEJA (MR) PM)

ORDER

UPON CONSIDERATION of the application by way of notice of motion dated 7th of February 2023 and filed under certificate of urgency and the affidavit in support sworn by JAMES MADARA on 7th February 2023 exparte;

IT IS HEREBY ORDERED;

- 1. THAT** the application is hereby certified as urgent.
- 2. THAT** applicant to serve for inter parties hearing **23.2.2023** before the trial court.
- 3. THAT** in the interim a temporary injunction is hereby granted restraining the Defendants either by themselves, their agents, servants or otherwise however from conducting the election of new members to the Election Board on the special General meeting to be held on 18th February, 2023 instead of Annual General Meeting pending the hearing and determination of this application interpartes.

GIVEN under my hand and seal of this Honorable Court this 16th day of February, 2023.


MAGISTRATE
MOMBASA LAW COURTS

ISSUED AT MOMBASA this.....16th Day of.....Feb.....2023.

PENAL NOTICE: TAKE NOTICE that any party served with this order and disobeys the same he/she will be liable to be cited for contempt of Court which is punishable by imprisonment for a period up to six (6) months and/or attachment of the contemnor's property.

08/02/2023

The Secretary,
Mombasa Parents Club,
MOMBASA.

"ATT: MR. PAUL MUNYAO"

RE: SPECIAL ANNUAL GENERAL MEETING SCHEDULED ON THE 18TH
FEBRUARY, 2023

The above matters refers.

We hereby write to ask that you postpone the above mentioned Special Annual General Meeting (AGM) scheduled for the 18th February, 2023 to address the various contentions by several factors within the club pursuant to Article 49 of our constitution.

Kindly respond hereto within 3days from the date hereof, to enable the appointment of arbitrators as required by the constitution, failure to which we shall engage the available legal mechanism towards resolving the issues at hand.

Yours faithfully,



James Madara.

CC: All members