

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**COMMERCIAL & TAX DIVISION**  
**CIVIL SUIT NO. 315 OF 2018**

**NATIONAL UNION OF SOMALI JOURNALISTS ..... PLAINTIFF**

**VERSUS**

**MOHAMED IBRAHIM NUR ..... 1<sup>ST</sup> DEFENDANT**  
**VIESTINA JA KEHITYS-SAATIO (VIKES) ..... 2<sup>ND</sup> DEFENDANT**  
**FINNISH CHURCH AID (FCA) ..... 3<sup>RD</sup> DEFENDANT**

**IN COURT ON 10<sup>TH</sup> AUGUST, 2018 BEFORE**  
**THE HONOURABLE LADY JUSTICE G. L. NZIOKA**

**ORDER**

**APPLICATION FOR ORDERS:**

1. THAT this Honourable Court be pleased to issue a temporally injunction order restraining the 2<sup>nd</sup> and 3<sup>rd</sup> Defendants by themselves, their agents or servants from associating with the 1<sup>st</sup> Defendant purportedly as an official of the Plaintiff, restraining them from recognizing the 1<sup>st</sup> Defendant as a representative of the Plaintiff and or by disbursing any funds or donor support meant to be channeled to the Plaintiff union and or from engaging with the Plaintiff to the exclusion of its Secretary General Omar Faruk Osman as stated in its Trademarks and its President of the Supreme Council Abdi Adan Guled pending the inter parties hearing and determination of this application.
2. THAT this Honourable Court be pleased to issue a temporally injunction order restraining the 2<sup>nd</sup> and 3<sup>rd</sup> Defendants by themselves, their agents or servants from associating with the 1<sup>st</sup> Defendant purportedly as an official of the Plaintiff, restraining them from recognizing the 1<sup>st</sup> Defendant as a representative of the Plaintiff and or by disbursing any funds or donor support meant to be channeled to the Plaintiff union and or from engaging with the Plaintiff to the exclusion of its Secretary General Omar Faruk Osman as stated in its Trademarks and its President of the Supreme Council Abdi Adan Guled pending the inter parties hearing and determination of this suit.
3. THAT costs of this application be in the cause.

**UPON READING** the Notice of Motion dated 7<sup>th</sup> August, 2018 and presented to the Honourable Court by the Counsel for the Plaintiff under **Section 3A** of the Civil Procedure Act, **Order 40 Rule 1 and Rule 51 Rule 1**, of the Civil Procedure Rules 2010, the Law of Contract Act, the Trademark Act Chapter 506 of the Laws of Kenya and **Rule 3** of the High Court Practice rules and all enabling provisions of the law.

**AND UPON READING** the supporting affidavit of **OMAR FARUK OSMAN** sworn on 7<sup>th</sup> August, 2018 and annexures thereto. **AND UPON HEARING** the Counsel for the Plaintiff and the Counsel for the 3<sup>rd</sup> Defendant and in the absence of the Counsel for the 1<sup>st</sup> and 2<sup>nd</sup> Defendants:

**IT IS HEREBY ORDERED BY CONSENT:**

1. THAT the Respondent has 14 days within which to file and serve their responses to the Application.
2. THAT upon service thereof, the Applicant will file and serve a further affidavit alongside their submissions within 14 days.
3. THAT upon service of the submissions, the Respondent shall file/serve their submissions within 7 days.
4. THAT hearing on 20<sup>th</sup> September, 2018.

**FURTHER ORDER BY CONSENT:**

5. THAT a temporally injunction order be and is hereby issued restraining the 2<sup>nd</sup> and 3<sup>rd</sup> Defendants by themselves, their agents or servants from associating with the 1<sup>st</sup> Defendant purportedly as an official of the Plaintiff, restraining them from recognizing the 1<sup>st</sup> Defendant as a representative of the Plaintiff and or by disbursing any funds or donor support meant to be channeled to the Plaintiff union and or from engaging with the Plaintiff to the exclusion of its Secretary General Omar Faruk Osman as stated in its Trademarks and its President of the Supreme Council Abdi Adan Guled pending the inter parties hearing and determination of this application.

**FURTHER ORDER:**

6. THAT the Defendants who are not in court be served with the directions given.

**GIVEN** under my hand and the seal of this Honourable Court this 10<sup>th</sup> day of August, 2018.

**ISSUED at NAIROBI** this

10<sup>th</sup> day of August 2018.

Deputy Registrar  
High Court Commercial & Tax Division  
Mihimani Nairobi

DEPUTY REGISTRAR  
HIGH COURT OF KENYA

**HIGH COURT OF KENYA AT NAIROBI  
MILIMANI COMMERCIAL & TAX DIVISION**

Date: 10/8/18 HCCC NO. 315 OF 2018 – ORDER

**PENAL NOTICE:**

**TAKE NOTICE** that should any party or person served with this order, fail, refuse, neglect or default or disobey the same, the said party shall be cited for contempt of a valid court order and shall be punished in accordance with the law.