



**A. Jiwa Shamji Limited v Kilimapesa Gold PTY Limited (Civil Suit
E001 of 2023) [2024] KEHC 9499 (KLR) (30 July 2024) (Ruling)**

Neutral citation: [2024] KEHC 9499 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KILGORIS
CIVIL SUIT E001 OF 2023
F GIKONYO, J
JULY 30, 2024**

BETWEEN

A. JIWA SHAMJI LIMITED PLAINTIFF

AND

KILIMAPESA GOLD PTY LIMITED DEFENDANT

RULING

1. The plaintiff's ex parte notice of motion dated 14/06/2024 sought orders of attachment of the defendant's attachable assets for purposes of sale in the realization of the decree of this court and for OCS Lolgorian police station to offer security during the execution process.
2. The application is supported by facts contained in the attached affidavit of Oscar Odongo and Hussein Sadrudin Shamji sworn on 14/06/2024.
3. Upon consideration of the application, on 14/06/2024, this court ordered and directed that; - the attachable assets of the judgment-debtor at the Lolgorian site be attached forthwith and be taken into custody by the auctioneers, Ms. Odongo Investments auctioneers; The auctioneer shall also not sell the attached properties until this application is heard; and the OCS Lolgorian to offer security during the attachment herein.
4. The plaintiff filed an affidavit in reply sworn by Hussein Sadrudin Shamji on 20/07/2024.
5. This court has considered the application herein. The judgment has not been satisfied. The attachable assets are now duly attached in execution of the decree herein. The defendant has not been keen on settling the decretal sum.
6. Accordingly, justice and fairness justify the sale of the attached property in execution of the decree herein. Consequently, the plaintiff may sell the attached property in accordance with the applicable court and auctioneers' rules. The sale shall however, not be earlier than on expiry of 14 days from today.



7. It is so ordered.

**DATED, SIGNED, AND DELIVERED AT KILGORIS THROUGH MICROSOFT TEAMS
ONLINE APPLICATION THIS 30TH DAY OF JULY, 2024.**

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HON. F. GIKONYO M

JUDGE

In the Presence of:

C/A: Leken/Nyangaresi

M/s Nyamurongi for Plaintiff – Present

Ms. Wandia for Defendant – Present

