



Kawaken Holding Limited v Cooperative Bank of Kenya & another (Commercial Case E248 of 2022) [2023] KEHC 1189 (KLR) (Commercial and Tax) (17 February 2023) (Directions)

Neutral citation: [2023] KEHC 1189 (KLR)

REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI COMMERCIAL COURTS)
COMMERCIAL AND TAX
COMMERCIAL CASE E248 OF 2022
DO CHEPKWONY, J
FEBRUARY 17, 2023

BETWEEN

KAWAKEN HOLDING LIMITED PLAINTIFF

AND

COOPERATIVE BANK OF KENYA 1ST DEFENDANT

METROCOSMO LIMITED 2ND DEFENDANT

DIRECTIONS

1. Pending determination in this matter is a Notice of Motion application dated 1st July, 2022 in which, amongst other prayers, the Applicant seeks injunctive orders to issue restraining orders against the 1st and 2nd Defendants by themselves, their agents, and/or personal assigns forthwith from administering, managing, leasing, disposing off. Alienating and in any other manner that apartments known as Maryland Apartments elected on L.R No.5/156, pending the hearing and determination of this application interparties.
2. The application is opposed by the Respondent vide a Replying Affidavit sworn by Grace Mwikali, the Relationship Manager of the 1st Respondent on 8th September, 2022.
3. On 25th July, 2022, this court directed the parties to file written submissions in disposing of the said application and on 1st November, 2022 the matter was fixed for delivery of ruling on 16th February, 2023 upon confirming compliance of the said directions by the parties.
4. However, as I set down to write the ruling, I noted that there is an application dated 30th November, 2022 which seeks one Sammy Mwangi Kamau to be enjoined as an Interested Party in this suit. That the said applications was placed before me and directions issued that the Applicant therein serves the other parties with the same for them to file their respective responses and for all the parties to exchange



written submissions. The application was also scheduled for mention on 16th February, 2022 for parties to confirm compliance and take a ruling date.

5. I have checked the e-filing portal and noted that there is an Affidavit of Service sworn on 14th February, 2022 filed but it is not clear whether or not the court's order on directions with regard to the application dated 30th November, 2022 have been served.
6. I am therefore inclined to hold that all the applications be canvassed jointly, with the application dated 30th November, 2022 coming first.

It is so ordered.

DIRECTIONS DELIVERED VIRTUALLY, DATED AND SIGNED AT NAIROBI THIS 17TH DAY OF FEBRUARY, 2023.

D. O. CHEPKWONY

JUDGE

In the presence of:

M/S Mungai counsel for Plaintiff

Mr. Muiruri counsel for 1st Defendant/Respondent

Mr. Kiptoo counsel for the Intended Interested Party, Sammy Mwangi Kamau

Court Assistant - Sakina

