



REPUBLIC OF KENYA



**KENYA LAW**  
THE NATIONAL COUNCIL FOR LAW REPORTING  
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**Sovereign Hotel Limited v National Bank of Kenya Ltd & another (Insolvency Cause E002 of 2022) [2023] KEHC 24317 (KLR) (27 October 2023) (Ruling)**

Neutral citation: [2023] KEHC 24317 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KISUMU  
INSOLVENCY CAUSE E002 OF 2022  
MS SHARIFF, J  
OCTOBER 27, 2023**

**BETWEEN**

**SOVEREIGN HOTEL LIMITED ..... PLAINTIFF**

**AND**

**NATIONAL BANK OF KENYA LTD ..... 1<sup>ST</sup> RESPONDENT**

**KOLLURI VENKATA SUBBARAYA KAMASASTRY ..... 2<sup>ND</sup> RESPONDENT**

**RULING**

1. The Court of Appeal in Kisumu Court of Appeal Civil Application No. E095 of 2023: James Micahel Mc Tough & Another –vs- National Bank of Kenya Limited & Another considered an application that is para materia to this application dated 29<sup>th</sup> May, 2023 filed by the Applicants and it disallowed the same.
2. This court is bound by the said ruling of the Court of Appeal on the principle of stare decisis wherefore the application herein has been rendered moot and the same is dismissed with costs to the Respondents.

**DELIVERED, SIGNED AND DATED AT KISUMU THIS 27<sup>TH</sup> DAY OF OCTOBER, 2023.**

**MWANAISHA S. SHARIFF**

**JUDGE**

