

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT SIAYA

COMMERCIAL CASE NO. 1 OF 2022

(ORIGINATING FROM KISUMU COMMERCIAL CASE NO. E04 OF 2021)

PORT FLORENCE COMMUNITY HOSPITAL LIMITE....1ST APPLICANT/PLAINTIFF

JOSHUA ODONGO ORON.....2ND APPLICANT/PLAINTIFF

VERSUS

PRIME BANK LIMITED.....1ST RESPONDENT/DEFENDANT

GARAM INVESTMENTS AUCTIONEERS.....2ND RESPONDENT/DEFENDANT

RULING

1. I have considered the 2 applications dated 6/1/2022 filed under Certificates of Urgency. The first application seeks leave of court to be heard during the recess. I have heard Mr. S. M. Onyango advocate for the plaintiffs/Applicants. I am satisfied that the application is urgent and ought to be considered expeditiously and *ex parte* in the first instance. I certify it urgent and grant the Applicant leave to be heard during the recess.

2. On the Application seeking for a temporary injunction to stop the advertisement being placed by the 2nd Respondent Garam Investments Auctioneers for the sale of properties described as Kisumu/Korando/2284, Kisumu/Korando/2286 and Kisumu/Municipality/Block 4/135, I have considered the arguments for the temporary injunction. I am satisfied that the matter is urgent and ought to be considered *ex parte* in the first instance. I certify the application urgent and make the following orders:

1. That pending interpartes consideration of the application dated 6/1/2022, a temporary injunction be and is hereby issued directed at the Defendants/Respondents herein Prime Bank Limited and Garam Investments Auctioneers, their employees, agents, workers from advertising for sale whether by private or public auction of the properties Nos Kisumu/Korando/2284, Kisumu/Korando/2286 and Kisumu/Municipality/ Block 4/135.

2. That the Applicants do serve the Respondents with the Application and all its supporting documents and this order forthwith, by close of business today 7/1/2022.

3. The matter shall be mentioned before the recess duty Judge for further directions on Thursday 13th January 2022 at Kakamega High Court.

4. These proceedings and Order to be typed and extracted as appropriate forthwith and remitted to Kisumu High Court who shall transmit the same to the recess duty court at Kakamega High Court for further consideration on 13/1/2022.

3. Orders accordingly

DATED, SIGNED AND DELIVERED AT SIAYA THIS 7TH DAY OF JANUARY, 2022

R.E. ABURILI

JUDGE