

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MILIMANI LAW COURTS

CONSTITUTIONAL & HUMAN RIGHTS DIVISION

PETITION NO. E137 OF 2021

MUNIRA POPAT 1ST PETITIONER

MINAKSHI SHAH..... 2ND PETITIONER

NADINE POPAT 3RD PETITIONER

VERSUS

KENYA DEPOSIT INSURANCE CORPORATION ... 1ST RESPONDENT

ANDREW RUTTO 2ND RESPONDENT

RULING AND DIRECTIONS

1. The petitioners through their counsel Mr. Karani made an oral application on 29.3.2022. The application was under 556(2) of the Kenya Deposit Insurance Act which provides:

“No injunction may be brought or any other action or civil proceeding may be commenced or continued against the institution or in respect of its assets without the sanction of the court.”

Mr. Issa had no objection to the leave sought being granted. He however raised issue with the Imperial Bank Ltd not having been enjoined as a party in these proceedings

2. It is not disputed that the petition herein was filed without leave of the court. Section 56(2) makes provision for that. The issue of the Imperial Bank Ltd no having been enjoined is a separate issue which will be addressed at the opportune time. I therefore grant the leave sought to file the pleadings.

3. Parties to file and exchange written submissions within 28 days in respect to the application dated 16.4.2021. The Petitioners to have the first 14 days. The petitioner to file a further affidavit alongside the written submissions.

4. Mention on 5.5.2022 to confirm compliance and direction.

DELIVERED VIRTUALLY, SIGNED AND DATED THIS 4TH DAY OF APRIL, 2022 IN OPEN COURT AT MILIMANI, NAIROBI.

H. I. ONG’UDI

JUDGE OF THE HIGH COURT