



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT KAKAMEGA**

**MISCELLANEOUS APPLICATION NO. 38 OF 2019**

**RAPID P. KENYA LIMITED.....APPLICANT**

**VERSUS**

**NITUNZE SAVINGS AND CREDIT**

**CO-OPERATIVE SOCIETY LIMITED(In Liquidation).....1<sup>ST</sup> RESPONDENT**

**OFFICIAL LIQUIDATOR NITUNZE SACCO LIMITED)....2<sup>ND</sup> RESPONDENT**

**COMMISSIONER OF CO-OPERATIVE SOCIETIES.....3<sup>RD</sup> RESPONDENT**

**VALLEY AUCTIONEERS.....4<sup>TH</sup> RESPONDENT**

**RULING**

1. The Motion dated 27<sup>th</sup> March 2019, seeks two principal orders: temporary injunction to restrain the respondents from utilizing the proceeds from the public auction where in LR. No. 8056/322 was sold; that the applicant be declared a recognized creditor of the 1<sup>st</sup> respondent and be involved in the liquidation process in including sale of LR. No. 8056/322. The applicant has a judgment in its favour, which it seeks to enforce as against the respondents.
2. I have read through through the repylying affidavit by th liquidator, and looked up the relevant law, and I have not seen anything that would justify not granting the orders sought in the applictaion dated 13<sup>th</sup> March 2019.
3. Consequently, I do hereby allow the Motion dated 15<sup>th</sup> March 2019, in terms of prayers 4 and 5 of the said Motion. Costs shall be in the cause..

**DELIVERED DATED AND SIGNED IN OPEN COURT AT KAKAMEGA THIS 29<sup>TH</sup> DAY OF OCTOBER 2021**

**W MUSYOKA**

**JUDGE**