

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAROK

MISC APPL. NO 5 OF 2018

FAMILY BANK LTD.....APPLICANT

VERSUS

DISTRICT LAND REGISTRATION NAROK.....RESPONDENT

RULING

1. The applicant seeks three orders from this court. First, it seeks cancellation or revocation of a discharge of charge over land reference number CISMARA/ROTIAN/188. Second, an order to reinstate the charge in favour of the applicant. Third, an order in respect of costs of this application.

2. The application is by way of notice of motion dated 22nd March, 2018 and is based upon, among other laws, Order 51 of the 2010 Civil Procedure Rules, Sections 1A, 3 and 3A of the Civil Procedure Act, [Cap.21] Laws of Kenya and sections 78,80,85 and 88 of the Land Act of 2012.

3. The application is supported by the grounds set out on face of the notice of motion and a supporting affidavit of Antony Ouma, a senior legal officer with the applicant.

4. It is clear from the grounds set out in the notice of motion and the supporting affidavit that currently the above suit land is registered in the name of Malit Olet Soyiantent. It is also clear that the cancellation or revocation order that is sought will affect the registered owner.

Since the order sought will affect him, it is mandatory that he is made a party to the instant application in compliance with the rules of natural justices.

5. The upshot of the foregoing is that the applicant is hereby ordered to enjoin Malit Olet Soyiantet and thereafter have the application set down for hearing.

Ruling delivered in open court this 27th day of June, 2018

in the presence of

Mr. Kiongo holding brief for Mr. Onsare for the plaintiff.

J. M. BWONWONGA

JUDGE

27/6/2018