



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT MERU

MISC.CIVIL APPLICATION NO. 15 OF 2018

NYAMBENE SERVICES LTD.....PLAINTIFF

VERSUS

KENYA COMMERCIAL BANK LTD.....RESPONDENT

RULING

The applicant herein by a notice of motion dated 7th February 2018 sought that the court issues stay orders against attachment and sale of Motor vehicle Registration KCE 422 N Scania Prime Mover and Trailer for 30 days pending the hearing and determination of the application.

The Respondents filed a reply to the application and directions were taken that application be canvassed by way of written submissions. The court urged parties to attempt out of court settlement but they didn't reach an agreement.

The Respondent filed their submissions but the applicant did not file. The applicant had needed 30 days to settle balance of 2,417,030.30 which fell due to be paid as at 26th January 2018. The applicant has failed to show that he has paid or that he has given any other guarantee and/or security to pay other than the Motor vehicle that he seeks order restraining attachment and sale. This court is of the view that the applicant has lost interest in the application and the same is dismissed.

The applicant cannot be protected from fulfilling terms of a contract he entered into with the Respondent on his own volition. Costs of application awarded to the Respondent.

HON. A.ONG'INJO

JUDGE

RULING, DELIVERED, DATED AND SIGNED IN COURT IN 26TH JULY 2018.

In the presence of:

C/A: Penina

Plaintiff: Applicant – N/A

Respondent: Respondent – N/A

HON. A.ONG'INJO

JUDGE

Mr Munene Advocate for Applicant - N/A

Ms Njeru Advocate for Respondent – N/A

Order

Dr to issue Notice of ruling to counsels and parties.

HON. A.ONG'INJO

JUDGE