



**REPUBLIC OF KENYA**

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

**COMMERCIAL & ADMIRALTY DIVISION**

**HCC. NO. 2060 OF 2000**

**TRUST BANK LIMITED (In liquidation).....PLAINTIFF**

**VERSUS**

**ACES HIGH LIMITED..... 1<sup>ST</sup> DEFENDANT**

**NAGIB JAFFERALI POPAT .....2<sup>ND</sup> DEFENDANT**

**SHELINA POPAT LANOE ..... 3<sup>RD</sup> DEFENDANT**

**RULING**

1. Although this Court is asked to consider and determine the Notice of Motion of 26<sup>th</sup> August, 2016, Counsel for the Applicant and Respondents may not have been aware of what proceeded before Court on 4<sup>th</sup> November 2013.

2. The matter was before Havelock J. on that day and this is what happened,

*“BY COURT:*

*The Plaintiff’s application dated 26<sup>th</sup> August 2013 sought reinstatement of this 13 year old suit dismissed by Court on 1<sup>st</sup> March 2012. As there is no appearance by the Plaintiff, the same stands dismissed with costs to the Defendants”.*

3. It would therefore seem that the Application of 26<sup>th</sup> August 2013 was dealt with then and is spent.

4. Now brought to their attention, parties may want to propose the way forward.

**Dated, Signed and Delivered in Court at Nairobi this 23<sup>rd</sup> day of March, 2017.**

**F. TUIYOTT**

**JUDGE**

**PRESENT;**

Limo for Plaintiff

Kamau h/b for Gondi for Defendant

Alex - Court Clerk