

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISUMU

CIVIL SUIT NO. 16 OF 2014

NIC BANK LTD.....PLAINTIFF

VERSUS

EAGLE POWER SERVICES LTD

BAHATI MURWA DEFENDANTS

DOROTHY OWUOR

JOSEPH MUGAMBI NYANGA

R U L I N G

The notice of motion application dated 25-4-2014 by the applicant prays for injunctive reliefs against the defendants. The applicant's grounds in support thereof are that the defendants purchased motor vehicle Reg. No. KBQ 862X where the plaintiff financed the same. However the defendants have defaulted in repaying the loan now standing at Kshs. 7,084,070.17.

The plaintiff further vide the sworn affidavit of Henry Maina has gone ahead to state that the logbook for the said vehicle is in the name of the defendants yet it was to be registered in both the plaintiff and the defendants names.

Further, the plaintiff states that the suit motor vehicle after extensive search was discovered in Uganda and it took the assistance of Uganda police to recover the same.

The application has not been opposed. There is sufficient evidence to show that the defendants were served and have infact retained the services of a counsel. The date was taken by consent on 8-5-2014.

Taking in totality the prima facie affidavit evidence on record and the fact that the application is not opposed I do allow the application dated 25-4-2014 as prayed. The applicant shall have the cost of this application.

Dated, signed and delivered at Kisumu this 23rd day of July, 2014.

**H.K.
JUDGE**

CHEMITEI