

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT BUNGOMA

ENVIRONMENTAL AND LAND CASE NO. 6 OF 2013

ANNAH NASIMIYU MURUNGA..... PLAINTIFF

VERSUS

K-REP BANK LIMITED.....1ST DEFENDANT/RESPONDENT

GARAM INVESTMENTS.....2ND DEFENDANT/RESPONDENT

RULING

In an application brought under Order 40 rules 1,2,3 & 4 and sections 1,1`A, 1B and 3A of the Civil Procedure Rules, the applicant sought injunctive reliefs to restrain the defendants from auctioning her land L.R. No. E. Bukusu/S. Kanduyi/4382. The application is dated 9th January 2013.

The application is opposed and the 1st defendant has filed a replying affidavit sworn by Jared Omanyo Lipuku, its branch manager. In his sixteen paragraph affidavit, the 1st Respondent has annexed several documents among their charge document and indemnity and guarantee form signed by the applicant.

The applicant did not file any further affidavit to counter the issues raised in the replying affidavit despite leave having given when the matter came up for inter partes hearing on 7th February 2013, the application was adjourned

RULING DATED, SIGNED, READ AND DELIVERED in open court this 20th

day of June 2013.

A. OMOLLO JUDGE.