

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI
MILIMANI LAW COURTS
CIVIL SUIT NO.490 OF 2011

PAUL NASKE MUKORA..... PLAINTIFF

VERSUS

CCMC MOTORS GROUP LTD..... DEFENDANT

RULING

Notice of Motion dated 9/11/2011 was filed by Plaintiff on 10/11/2011 seeking restraining order against the Defendant not to repossess the motor vehicle No.KBE 045 V pending the hearing and determination of this suit. They have sought further orders in that application.

When the application was called for hearing only the Respondent appeared. The applicants did not appear. The Respondent counsel pointed out that the Applicant has enjoyed exparte order and on two occasions they have come to hearing but the matter had been adjourned on those two occasions. He urged to proceed.

Mr. Ombati submitted that he was relying on affidavit of Anthony G. Mbuthia and on grounds of opposition filed and a list of authorities filed and dated 9.3.2012. He prayed that the application be dismissed.

The court has perused the opposition and affidavit of Anthony Mbuthia and the grounds of opposition. There being no applicant I dismiss the application with costs to Defendant.

Dated and delivered this 16th day of March, 2012

J.N. KHAMINWA
JUDGE

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