



REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI
COMMERCIAL & TAX DIVISION – MILIMANI
CIVIL CASE NO.694 OF 2010

VIPAN H. CHODA.....PLAINTIFF

VERSUS

BELLUR KRISHNASWAMY SPRINIVAS

(ALIAS SUDHARSHAN BELLUR).....1ST DEFENDANT

BELLUR ENGINEERING LIMITED.....2ND DEFENDANT

ILA DEVANI.....3RD DEFENDANT

RULING

The Applicant in the Notice of Motion dated 15th October, 2010, seeks orders of the court, *inter alia*, under **Order XXXIX Rules 1 and 9** of the **Civil Procedure Rules** as follows:-

1. **THAT the 3rd Respondent be compelled by a mandatory injunction to release the motor vehicle Registration Number KBL 810 F Toyota Prado (the motor vehicle) to the Applicant pending the hearing and determination of this Application.**
2. **THAT the 3rd Respondents be compelled by a mandatory injunction to release the motor vehicle to the Applicant pending the hearing and determination of this suit.**
3. **THAT the costs of this application be borne by the said Respondents in any event.**

The Application is premised on 10 grounds as set out on the face thereof and supported by the Applicants' Affidavit of 15th October, 2010.

The Applicant purchased the subject motor vehicle from one SOSPETER MUSYIMI MUTUKU as per a sale agreement dated 10th April 2010, (annexed to the Supporting Affidavit "VHC3"). She then appointed IMTHIYA Z. K. R. MAJID and JAMIL UMARBHAI DESAI as agents to sell the said motor vehicle for her.

The 1st Defendant/Respondent, representing himself as a director of the 2nd, approached the selling

