



**REPUBLIC OF KENYA**

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

**CIVIL CASE NO. 117 OF 2010**

**ZEPHANIA JUMA AJOWI ..... PLAINTIFF**

**-VERSUS-**

**CO-OPERATIVE BANK OF KENYA LTD ..... DEFENDANT**

**RULING**

The application is dated 19/7/2010. The subject was up for auction for default of payment of sums due and owing to the defendant. The plaintiff/applicant guaranteed Winam Petroleum Products Limited and charged his Property **L. R. No. KISUMU/KANYAKWAR 'A'/113**. He complains *inter alia* that no statutory notice was issued. The defence counsel concedes to this fact.

Having considered the application and submissions before court and concession by the defence counsel, I hereby grant prayer 3 of the chamber summons to the extent that the respondent, its servants and or agents are restrained from selling, disposing of or auctioning property number **L. R. No. KISUMU/KANYAKWAR 'A'/113** based on the advertisement of 5<sup>th</sup> & 20<sup>th</sup> July, 2010. The defendant however be at liberty to issue a fresh statutory notice in the event the loan remains unserviced. Costs in the cause.

**DATED AND DELIVERED THIS 6<sup>TH</sup> APRIL, 2011.**

**ALI-ARONI**  
**JUDGE**

**In the presence of:**

**Mr. Jamsumba Advocate h/b for Mr. Mwamu  
Advocate for plaintiff**

**Mr. Odhiambo Owiti present for defendant**