

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAKURU
Civil Case 306 of 2004

NASHON OLUOCH.....APPLICANT
VERSUS
KENYA TIMES MEDIA TRUST LTD.....RESPONDENT

RULING

This is an application by way of objection proceedings brought by News & Printing Services Ltd (the Objector) under **Order 21 Rules 56** and **57** of the **Civil Procedure Rules**. It seeks a declaration that the attachment of its assets by M/s Legacy Auctioneers on 16th February 2009 is null and void for the reason that the Objector is not a party to this suit and that the attached assets belong to it and not the judgment debtor.

The application is strongly opposed. In the replying affidavit sworn by Sally Njoki Mbeche, counsel for the decree holder, it is deposed that the Objector has filed four previous applications similar to this one all of which have been dismissed. It is submitted for the Decree holder that in the circumstances and the Objector having not attached any document to prove its ownership of the attached assets, this application should be dismissed.

The Objector has not even said what assets have been attached leave alone providing proof of its ownership of the same. In the affidavit in support of the application, the Objector's General Manager claims that it lost the ownership documents in the course of the attachment and that it would later provide proof that it is the owner of the attached assets but it did not. I found its application for adjournment allegedly to enable it exhibit those documents made on 2nd June 2010, about one year and three months later, totally frivolous and dismissed it. Taking all these factors into account, I agree with counsel for the decree holder that this is a frivolous application and I accordingly dismiss it with costs.

DATED and DELIVERED at Nakuru this 17th day of June, 2010.

D. K. MARAGA
JUDGE.