

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI (MILIMANI COMMERCIAL COURTS)

Civil Suit 265 of 2008

AGGREY PETER THANDE.....PLAINTIFF

VERSUS

CO-OPERATIVE BANK OF KENYA LIMITED..... DEFENDANT

R U L I N G

I have had occasion to read the ruling of my learned sister Hon. Khaminwa, J. on the Preliminary Objection argued by the parties before her on the 7th July 2008. The ruling is dated 15th July 2008. It is my view that the present application, Notice of Motion dated 1st August, 2008 ought to have been argued before her Ladyship in view of my observation that part of her finding in the ruling on the Preliminary Objection touches on the said application.

For that reason, I set aside the proceedings heard before me on the 22nd September, 2008 and direct that the application be argued afresh before her Ladyship.

I do apologize to the parties for any inconvenience caused to them by virtue of this direction.

The parties will agree on a date for the hearing of the application dated 1st August, 2008.

The interim orders will remain in force until the pending application is heard and determined.

Dated at Nairobi this 9th day of October, 2008.

LESIIT, J.

JUDGE

Read, signed and delivered, in the presence of:

Mr. Kwengu for Applicant

Mr. Mungai for Respondent

Mr. Kabaru for interested party

LESIIT, J.

JUDGE