



**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA**  
**AT NAIROBI**  
**(MILIMANI COMMERCIAL COURTS)**

Civil Case 465 of 2007

**TWIN TRAVELS & TOURS LIMITED .....**  
**PLAINTIFF/APPLICANT**

**VERSUS**

**NATIONAL INDUSTRIAL CREDIT BANK LTD ..... 1<sup>ST</sup>**  
**DEFENDANT/RESPONDENT**

**GARAM INVESTMENTS ..... 2<sup>ND</sup>**  
**DEFENDANT/RESPONDENT**

**RULING**

From what has been brought to my attention during the hearing of this Chamber Summons dated 10<sup>th</sup> September 2007, the same be and is hereby dismissed with costs to the Respondent for the following reasons and bearing in mind that during the inter partes hearing the Applicant/Plaintiff asked for prayer 4 only in the said Chamber Summons:-

Firstly, although the Applicant claims in prayer 4 that the suit property, Number 8784/35 is owned by the Applicant/Plaintiff, evidence so far available shows that that is not the legal position.

Secondly, the Applicant has not succeeded in showing that its case satisfies the conditions for grant of an injunction found in the case of **Giella -vs- Cassman Brown & Co. Ltd.**

Thirdly, and in any event, this is a claim which can be liquidated and be adequately compensated by the award of damages.

Dated this 22<sup>nd</sup> day of October 2007.

**J. M. KHAMONI**

**JUDGE**