

REPUBLIC OF KENYA

IN THE HIGH COURT AT NAIROBI

MILIMANI LAW COURTS

Civil Case 85 of 2004

GEOM HOLDINGS (K) LTD

GEORGE WILLIAMS OMONDI

GETRUDE ATIENO

OMONDI.....APPLICANTS

versus

CO-OPERATIVE MERCHANT BANK LTD

CO-OPERATIVE BANK OF

KENYA.....RESPONDENTS

RULING.

The Notice of Motion dated 28th September 2007 while seeking consent of this court to change advocates also contains other prayers in favour of applicant / plaintiffs. In as far as the prayer for leave seeking consent of the court to allow M/S OTIENO ARUM & CO Advocates or any other Advocates, come on record for the Plaintiffs in place of M/S WAGARA KOYOOKO & Co, Advocates or any other Advocates, under Order III Rule 9A of the Civil Procedure Rules, is in the same Application seeking other orders such as orders of stay or injunction or any others in favour of the Applicant party, such an application, in my opinion, becomes tainted with incompetence which, in law, is improper to grant. Accordingly, this Notice of Motion dated 28th September 2007 be and is hereby struck out.

October 1, 2007

Khamoni J