

**REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA**

AT NAIROBI

MILIMANI LAW COURTS

Civil Case 53 of 1997

GLOBAL ENTERPRISES (PVT) LTD.....APPLICANT

VERSUS

ROBINSON MALAMBO.....1ST RESPONDENT

ARUM & COMPANY.....2ND RESPONDENT

RULING

By this Chamber Summons brought under the provisions of Section 15 of the Police Act and the inherent powers of the court and Section 3A of the Civil Procedure Act, the applicant seeks orders that the Warrant of Arrest issued by this Honourable Court following an order made on 2nd November 2004 to the court bailiff High Court Mombasa for execution against the first defendant herein, be executed by the Criminal Investigation Department, Urban Police Mombasa and that costs of application be the plaintiff's in any event.

The application is based on the ground that the court bailiff to whom the warrant was issued has encountered difficulties in executing owing to the fact that the judgment debtor is evading arrest.

The application is supported by an affidavit sworn by Herbert Ngisiange a court bailiff based in Mombasa who avers that all efforts he has made to effect the arrest of the defendant have been fruitless because the defendant has gone underground and he returned the warrant to the court of issue. This is a proper case where the court should grant the orders sought.

I allow the application in terms of prayer 1 and 2 of the Chamber Summons dated 20th March 2006.

Dated and delivered at Nairobi this 25th day of October 2006.

J.L.A. OSIEMO

JUDGE