

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

(NAIROBI LAW COURTS)

CIVIL CASE 586 OF 2001

AGRICULTURE SYNDICATE LIMITED PLAINTIFF

VERSUS

PARAMOUNT BANK LIMITED DEFENDANT

RULING

Before me for a ruling is the Plaintiff's Chamber summons dated 23rd April 2001. Since I have been addressed at length by counsel on each side and as a result a number of issues have been raised and discussed, I presume the parties are expecting a correspondingly long and detailed ruling on the issues raised. But being mindful of the fact that I was only hearing an application for an injunction and not, therefore, hearing the main suit and being of the view that it is not necessary in this interlocutory application for an injunction, and indeed it may be undesirable, to make a definite decision on the important issues which have been raised and are in dispute in this suit, I am not writing a long ruling.

Accordingly I find it sufficient to state that from what has been brought to my attention during the whole time I have been handling the Chamber summons dated 23rd April 2001, I have no doubt in my mind that there are a number of triable issues in this suit and not only do I have the feeling that the plaintiff has a prima facie case but also think that on the balance of convenience sale of the suit property should not take place until the hearing and final determination of this suit or unless a reserve price is set out in the terms demanded by the Applicant/plaintiff in its prayer two.

What the parties have brought to my attention are on record in the court case file here.

Accordingly the plaintiff's chamber summons herein dated 23rd April 2001 be and is hereby granted in terms of prayer number two (2). The Respondent/Defendant to pay costs of the Chamber summons.

Dated this 27th day of November 2001.

J.M. KHAMONI

JUDGE