

REPUBLIC OF KENYA

**Ephapharus Waweru v Patrick Nganga Mburu T/A Virmir Auctioneers &
Another**

High Court Of Kenya At Nairobi

October 15, 2000

MILIMANI COMMERCIAL COURTS

T Mbaluto, Judge

Misc Application No 234 of 2000

October 15, 2000 T Mbaluto, Judge delivered the following ruling.

This application which seeks this court order to declare an attachment of the applicant's goods carried out by the defendants illegal, has been brought under Order XXI Rule 22 and 23 of the Civil Procedure Rules as well as Section 3A of the Civil Procedure Act. In my view rule 22 of the Civil Procedure Rules applies only in the case of:-

“the court to which a decree has been sent for execution.”

This is not the court which rule 22 contemplates; it is the court which passed the decree. Consequently, the application is misconceived and must be dismissed with costs. It is so ordered.