

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT MOMBASA
CIVIL SUIT NO.574 OF 2000

AZAD BADRUDIN KARA PLAINTIFF

Versus

EQUITORIAL COMMERCIAL BANK LIMITED DEFENDANT

R U L I N G

I have heard both counsel on the issue of Temporary Injunction. I do not think it comes into consideration as yet. The sale will not be until 20-12-2000, but still there may be a requirement on the chargee to advertise. Mr. Mabea has convinced me that advertisement must precede the sale and ought to be by 3-12-2000. He therefore offers that the case be heard in 7 days. Mr. Asige still requires 10 days to respond to the affidavit in reply which has just been served on him to-day.

I think both sides have a stake in adjournment and I grant it. I also think that it would save the chargee more expense if he knows that he does not have to advertise to no purpose when he may not sell any way. I therefore grant injunction but ask that the hearing of this case can be fixed before vacation date to meet both sides requirement albeit halfway.

Dated this 24th Day of November, 2000.

**A.I. HAYANGA
JUDGE**

**I further order that Mr. Asige files and serves his affidavit in response within 10 days.
Mr. Mabea if he so wishes to have liberty to file any recorder within 7 days.**

**A.I. HAYANGA
JUDGE**