



**Samo Security Limited & another v SBM Bank Kenya Limited
(Formerly Chase Bank Kenya Limited) (Civil Case 244 of 2019)
[2025] KEHC 4356 (KLR) (Commercial and Tax) (13 February 2025) (Ruling)**

Neutral citation: [2025] KEHC 4356 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI COMMERCIAL COURTS)
COMMERCIAL AND TAX
CIVIL CASE 244 OF 2019
BK NJOROGE, J
FEBRUARY 13, 2025**

BETWEEN

SAMO SECURITY LIMITED 1ST PLAINTIFF

OMUREMBE IYADI 2ND PLAINTIFF

AND

**SBM BANK KENYA LIMITED (FORMERLY CHASE BANK KENYA
LIMITED) DEFENDANT**

RULING

1. This is a Ruling in respect of the Defendant's application under a Certificate of Urgency by way of a Notice of Motion dated 20th September 2024. It is supported by the Affidavit of Kelvin Kimani sworn on 20th September, 2024.
2. It is professed to have been presented under the provisions of Order 17 Rule (3); Order 51 Rule 1 of the Civil Procedure Rules 2010 and Sections 1A, 1B and 3A of the *Civil Procedure Act*.
3. It seeks the dismissal of the Plaintiff's suit for want of prosecution. It also seeks the costs of the suit.
4. It is deponed that a period of about 3 years has lapsed since the matter was last in Court on 3rd June, 2021. The hearing did not take off since none of the parties appeared.
5. The Court has seen and read the Defendant's/Applicant's written submissions dated 4th November, 2024 and the authorities cited.



6. The Application is opposed by the Plaintiff's through a Replying Affidavit sworn by Omurembe Yadi sworn on 24th October, 2024. He depones that he has been unwell. He relies upon medical treatment notes. The Court has not had sight of them as they are not attached to the uploaded Replying Affidavit.
7. He also depones that his spouse has filed a suit against the Defendant. There is a separate suit namely (Nairobi) Milimani H.C. Comm. Suit No. 024 of 2022 Lorna Agnes Onyango Omurembe -vs- Samo Security Limited and 3 others. He has been persuading her to withdraw the suit without any success.
8. He also still states that he has been having discussions with the Defendant with a view to settling this matter. That if no settlement is reached, he desires to be heard and the matter determined through a formal trial.
9. The Court has seen the submissions filed by the Plaintiffs/Respondents dated 25th October, 2024.
10. The Defendant is entitled to have this matter heard expeditiously. It is in the interest of the parties that matters such as this one are dealt with and decisions rendered. The Court notes that the 2nd Plaintiff states that he is unwell. It is in his interest that the matter be heard and finalized.
11. The Court notes a concern that there is yet another suit dealing with the parties namely (Nairobi) Milimani H.C. COMM. Suit No. 024 of 2022 Lorna Agnes Onyango Omurembe -vs- Samo Security Limited & 3 others. If that is so, then the parties need to address the manner in which they would wish to proceed with the two cases, before the Courts.
12. Balancing the need to expedite closure of matters/reduction of the backlog and the need to grant parties a hearing, the Court leans towards hearing the matter.
13. The Court will issue orders to fast track the hearing of this case as well as obtain the status of the related case referred to above.

Determination

14. The Notice of Motion dated 20th September, 2024 is dismissed with no orders as to costs.
15. The Plaintiffs are to complete any pending pre-trial issues, case management and ensure that the matter is assigned a hearing date within the next ninety (90) days.
16. This matter is to be listed for a mention on 1st July, 2025 alongside (Nairobi) Milimani H.C. Comm. Suit No. 024 of 2022 Lorna Agnes Onyango Omurembe -vs- Samo Security Limited & 3 others for further directions and or orders.
17. It is so ordered.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 13TH DAY OF FEBRUARY, 2025.

NJOROGE BENJAMIN K

JUDGE

In the presence of;

Miss Awino for the Plaintiffs

Mr. Obura for the Defendant

Mr. Luyai – Court Assistant

