



Njau & another v Sumac Microfinance Bank Limited & 3 others (Civil Case E010 of 2024) [2025] KEHC 13057 (KLR) (19 September 2025) (Directions)

Neutral citation: [2025] KEHC 13057 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
CIVIL CASE E010 OF 2024
DO CHEPKWONY, J
SEPTEMBER 19, 2025**

BETWEEN

**ROSE NJERI NJAU 1ST PLAINTIFF
JULIUS GAKUU P MBUGUA 2ND PLAINTIFF**

AND

**SUMAC MICROFINANCE BANK LIMITED 1ST DEFENDANT
LAND REGISTRAR, KIAMBU COUNTY 2ND DEFENDANT
CENTRAL BANK OF KENYA 3RD DEFENDANT
THE HON ATTORNEY GENERAL 4TH DEFENDANT**

DIRECTIONS

1. Upon issuing directions on the pending applications herein, counsel for the Respondents, Mr. Munene sought for status quo orders issued on 2nd July, 2025 in respect of the application dated 30th June, 2025 by the Plaintiff on the ground that the same were detrimental to the 1st Respondent/Defendant, in that their effect on the 1st Respondent were wide reaching affecting its operations.
2. Counsel for the Plaintiff/Applicant opposed the request for the status quo orders to be set aside pending the determination of all the pending applications on merit.
3. I have read through all the pending applications and more so, the applications dated 15th March, 2024, the application dated 30th June, 2025 and the application dated 15th July, 2025 to determine whether the status quo orders issued on 2nd July, 2025 can be set aside as sought by the 1st Respondent's counsel.
4. Indeed, vide the application dated 15th March, 2024, the Plaintiff sought for orders that relate to her as the borrower and the 1st Respondent as the Lender in regard to title deeds in respect of the suit properties allegedly held by the 1st Respondent. In the application dated 30th June, 2025, the



Applicant/Plaintiff is seeking orders of restraint against the 1st Respondent's Directors barring them from disposing Shares of the 1st Respondent in full or in part to 3rd parties. She has attached a copy - paper of a Page in the Nation Newspaper for 3rd June, 2025 to confirm the expression of interest to dispose of the institution marked as "d" to confirm this. It is worth-noting that the 1st Respondent has not filed any response to the said application but instead its counsel has urged the prayer to vacate the status quo order from the bar as an issue of fact.

5. A reading of the grounds set out on the face of the application and Supporting Affidavit sworn by the 1st Plaintiff/Applicant and found that the reason the Plaintiff/Applicants have sought for the 1st Defendant/1st Respondent's Directors to be restrained from disposing of its Shares is because of the fear and or apprehension that this will inconvenience and prejudice her right in respect of her claim for the title deeds to the suit properties which are allegedly held by the 1st Respondent following a loan facility secured by the said title deeds, which loan she claims has been fully repaid. The 1st Respondent's counsel has not rebutted this claim by the Appellants and or substantiated the same so as to alleviate the Applicant's fears, while the Plaintiff/Applicant's claim relates to a borrower-lender relationship, the sale of 1st Respondent's Shares to a third party, who from the Newspaper reporting is from Nigeria, this Court finds that the Applicant's fears are legitimate as this may lead to a change in circumstances which may controvert their claim. The Respondents' counsel has submitted that the status quo orders are prejudicial to the 1st Respondent in that they have affected its operations but has not demonstrated how the Applicants' claim or rights will be secured by the alleged sale of Shares to a third party, which they have not rebutted. It is worth-noting the status quo orders are merely a temporary measure aimed at preserving the subject matter of a suit pending the determination of the issues in dispute.
6. In view of the above discussion, this Court declines the request to vacate and or set aside or lift the status quo orders issued on 2nd July, 2025 pending the hearing and determination of this application. Therefore:-
 - a. The Status Quo Orders issued on 2nd July, 2025 be and are hereby extended pending the hearing and determination of the applications herein.
 - b. The directions issued on 5th September, 2025 to remain in force.
 - c. Mention on 29th September, 2025 for further directions.

It is so ordered.

RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT KIAMBU THIS 19TH DAY OF SEPTEMBER 2025.

D. O. CHEPKWONY

JUDGE

In the presence of:-

Mr. Munene appearing alongside M/S Muraguri counsel for Defendants

No appearance for and by Plaintiffs

Court Assistant - Kinyua

