



Co-operative Bank of Kenya Ltd v Ondieki & 2 others (Civil Appeal 128 of 2019) [2024] KEHC 8153 (KLR) (8 July 2024) (Ruling)

Neutral citation: [2024] KEHC 8153 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
CIVIL APPEAL 128 OF 2019
MS SHARIFF, J
JULY 8, 2024**

BETWEEN

CO-OPERATIVE BANK OF KENYA LTD APPELLANT

AND

HENRY NYABUTO ONDIEKI 1ST RESPONDENT

CHEMELIL SUGAR COMPANY LTD 2ND RESPONDENT

KCB BANK LTD 3RD RESPONDENT

RULING

1. I have considered the 1st Respondent’s notice of motion dated 5th July 2024 and the affidavit in support thereof sworn by Henry Nyabuto Ondieki on even date and I do note that the 2nd Respondent is seeking court’s leave to execute yet the intended execution is not directed to either the National Government or a County Government and a such leave is not a prerequisite for execution as the one contemplated by the Applicant.
2. In light of the above finding I do hereby make the following orders:-
 1. This application is not certified as urgent.
 2. The same be served within 3 days from the date hereof.
 3. The Appellant is directed to file its response within 10 days from the date hereof.
 4. Mention on 8/8/2024 to confirm compliance and take further directions.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 8TH DAY OF JULY, 2024.

MWANAISHA S. SHARIFF

JUDGE

