



**Sunbake Enterprises Ltd & another v Kenya Development Corp Ltd & another
(Commercial Case E003 of 2024) [2024] KEHC 7905 (KLR) (3 July 2024) (Ruling)**

Neutral citation: [2024] KEHC 7905 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
COMMERCIAL CASE E003 OF 2024**

MS SHARIFF, J

JULY 3, 2024

BETWEEN

SUNBAKE ENTERPRISES LTD 1ST PLAINTIFF

JETRAB INVESTMENT LTD 2ND PLAINTIFF

AND

KENYA DEVELOPMENT CORP LTD 1ST RESPONDENT

STARTRUCK AUCTIONEERS 2ND RESPONDENT

RULING

1. I have considered the Plaintiffs/Applicants notice of motion dated 1st July 2024 and the supporting affidavit of Anup Jethwa sworn on even date.
2. I note from annexure AJ-8 that the 1st Plaintiff was issued with a redemption notice by Messrs Startruck auctioneers on 7th May 2024 wherefore there was ample time to move the court on an earlier date wherefore I am unable to certify this application as urgent.
3. The above finding notwithstanding and appreciating that the Plaintiffs' property has been advertised for auction on 10th July 2024 I am inclined to grant prayer No. 2 and I thus make the following orders:-
 1. This application is not certified as urgent.
 2. An order of temporary injunction is hereby issued restraining the Respondents/Defendants, their servants, and/or agents jointly and severally from advertising for sale, auctioning, selling, transferring, disposing, dealing and/or interfering whatsoever with the 2nd Applicant's land parcel No. Kisumu/Municipality Block 3/61 for a period of 8 days from the date hereof.
 3. The applicants are directed to serve the application within 2 days from the date hereof.



4. The Defendants are directed to file their response thereto within 6 days from the date hereof.
5. Mention on 11th July, 2024 for taking of directions.

DATED, DELIVERED AND SIGNED THIS 3RD DAY OF JULY, 2024.

M. S. SHARIFF

JUDGE

