



Mc Tough & another v National Bank of Kenya Ltd & another (Commercial Case E003 of 2023) [2024] KEHC 10656 (KLR) (16 September 2024) (Ruling)

Neutral citation: [2024] KEHC 10656 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
COMMERCIAL CASE E003 OF 2023
MS SHARIFF, J
SEPTEMBER 16, 2024**

BETWEEN

JAMES MICHAEL MC TOUGH 1ST PLAINTIFF

PATRICIA ANN MC TOUGH 2ND PLAINTIFF

AND

NATIONAL BANK OF KENYA LTD 1ST DEFENDANT

**GODFREY COLLINS OMONDI T/A COLINET AUCTIONEERS 2ND
DEFENDANT**

RULING

1. have considered the Plaintiff's notice of motion dated 13th September 2024, the certificate of urgency of even date issued by Bruce O. Odeny advocate, the supporting affidavit sworn on even date by James Michael MC Tough and the annexures attached thereto and I am persuaded of the urgency of the matter wherefore I hereby make the following orders:-

1. This application is certified as urgent.
2. An order of interim injunction is hereby made restraining the Defendants jointly and severally from advertising for sale, auctioning, selling, transferring, disposing off, dealing and/or interfering whatsoever with the 1st applicant's suit property namely Kisumu Municipality Block 11/219 for a period of 8 days.
3. The Applicants are directed to serve this application within 24 hours from the date hereof.
4. The Defendants are directed to file their responses within 7 days from date hereof.
5. Further directions shall be taken on 24.9.2024.

It is hereby so ordered.



DATED, SIGNED AND DELIVERED AT KISUMU THIS 16TH DAY OF SEPTEMBER, 2024.

M. S. SHARIFF

JUDGE

