



Ombewa v Progressive Credit Limited & another (Miscellaneous Commercial Application E032 of 2024) [2024] KEHC 12679 (KLR) (18 October 2024) (Ruling)

Neutral citation: [2024] KEHC 12679 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS COMMERCIAL APPLICATION E032 OF 2024
RE ABURILI, J
OCTOBER 18, 2024**

BETWEEN

OTIENO LAURENCE OMBEWA APPLICANT

AND

PROGRESSIVE CREDIT LIMITED 1ST RESPONDENT

VALDOMS AUCTIONEERS 2ND RESPONDENT

RULING

1. A party seeking substantive orders of injunction cannot approach the court by way of Miscellaneous application as that would amount to summary procedure being applied in such a manner that once the interlocutory injunction is determined, there are no other proceedings remaining to be conducted. This is the case herein.
2. The applicant's counsel rightly seeks to withdraw the application which is incompetently filed and which I would have struck out in limine. However, as she is now well guided that the application is a non-starter, I allow the oral application to withdraw the application.
3. Accordingly, the application dated October 11, 2024 is marked as wholly withdrawn with no orders as to costs and this file is hereby closed.
4. Ruling to be typed and uploaded in the Case Tracking System.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 18TH DAY OF OCTOBER, 2024

R. E. ABURILI

JUDGE

