



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**COMMERCIAL AND TAX DIVISION**

**CIVIL SUIT NO. 308 OF 2013**

**SBM BANK (KENYA) LIMITED.....PLAINTIFF**

**-VERSUS-**

**HITEN SHANTILAL SHAH.....DEFENDANT**

**RULING**

1. This suit was filed by **Fidelity Commercial Bank Limited** against **Hiten Shantilal Shah**. An application has been made by **SBM Bank (Kenya) Limited** seeking that it be granted leave to substitute Fidelity Commercial Bank Limited in this action. The basis of seeking the substitution is that Fidelity Bank was acquired by SBM Bank. That SBM Bank acquired all assets, interests and liabilities of Fidelity Bank in accordance with Section 3 of the Transfer of Business Act and The Capital Markets Act. That accordingly Fidelity Bank's interests in this suit has devolved to SBM Bank. In support of the application there was annexed a Certificate of change of name dated 16<sup>th</sup> May 2017. That certificate reflects and certifies the change of name from Fidelity Bank to SBM Bank.

2. The application was not opposed by the defendant, quite rightly so, because in my view the orders sought are not prejudicial to the defendant.

**CONCLUSION**

3. The interest of justice will best be served by granting the orders sought.

4. Accordingly in respect to the Notice of Motion dated 14<sup>th</sup> February 2020 I grant the following orders:

*a. Leave is hereby granted to SBM Bank (Kenya) Limited to substitute Fidelity Commercial Bank Limited as the Plaintiff in this action.*

*b. The costs of the Notice of Motion shall be in the cause.*

**DATED, SIGNED and DELIVERED at NAIROBI this 1<sup>ST</sup> day of JULY 2020.**

**MARY KASANGO**

**JUDGE**

Before Justice Mary Kasango

C/A Sophie

For the Plaintiff:

For the Defendant:

**ORDER**

**This decision is hereby virtually delivered this 1<sup>st</sup> day of July, 2020.**

**MARY KASANGO**

**JUDGE**