



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT SIAYA**

**KISUMU HIGH COURT COMMERCIAL CAUSE NO. 77 OF 2018**

**DAVID OSCAR OWAKA.....PLAINTIFF/APPLICANT**

**VERSUS**

**NATIONAL BANK OF KENYA LIMITED .....DEFENDANT/RESPONDENT**

**RULING**

1. I have considered the applicant's application to be heard during the recess. I grant leave to the applicant to be heard during the recess.
2. On the main application, I observe that the same seeks for setting aside of Orders of Hon. T.W. Cherere made on 12.8.2020.
3. I certify the application as urgent and direct the applicant to serve the Respondent for interpartes mention before the duty Judge at Kisumu High Court for directions on 9.9.2020.
4. Accordingly, this matter is returned to Kisumu High Court for conclusion.

Orders accordingly.

**Dated, Signed and Delivered at Siaya this 3<sup>rd</sup> Day of September, 2020**

**R.E. ABURILI**

**RECESS DUTY JUDGE**