

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

KISUMU CIVIL APPEAL 2 OF 2019

DEFINA KHAYOSA MATAKWA.....APPELLANT/APPLICANT

VERSUS

SIMON NG'ANG'A MBURU.....1ST RESPONDENT/PETITIONER/DEBTOR

THE OFFICIAL RECEIVER.....2ND RESPONDENT

THE KENYA COMMERCIAL BANK LTD.....3RD RESPONDENT

RULING

1. I have considered the application to be heard during the recess. I grant it.
2. On the main application, I find it discloses urgency. I certify it urgent and direct the applicant to serve the Respondents forthwith for interpartes consideration before the Duty Judge in Kisumu on 10/9/2020.
3. In the meantime, I grant Prayer No. 2 of the Chamber Summons dated 31st August 2020. I direct the Land Registrar, Bungoma, to place an inhibition on Title NOs Ndivisi/Khalumuli/4614 and Ndivisi/Khalumuli/4615, inhibiting any dealings on the said parcels of land registered in the name of Simon Ng'ang'a Mburu pending hearing of the application interpartes.
4. These directions /orders to be transmitted to the DR, Bungoma High Court and the Applicant's counsel for service/enforcement.
5. Orders accordingly.

Dated, signed and Delivered at Siaya this 3rd Day of September 2020

R.E. ABURILI

JUDGE