



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT BUMGOMA

BUNGOMA MISC. CIVIL CASE NO. 41 OF 2020

(CORAM: R. E. ABURILI - J.)

JOSEPH RUGWIRI ONZERE &

SAKAM ENTERPRISES LTD.....APPELLANT/APPLICANT

VERSUS

JAMES AMUTALA MAYEKU..... 1ST RESPONDENT

VERSUS

PAUL BARASA WAMOTO

T/A PAWABA AUCTIONEERS AND.....2NDRESPONDENT

ALFRED M.K. OMINDE

T/A KURANYA AUCTIONEERS.....3RDRESPONDENT

SAMSON ITONDE

T/A DOMINION YARD AUCTIONEERS.....4TH RESPONDENT

RULING

1. I have considered the application which was also considered by Hon. Riechi J. of Bungoma High Court on 27/8/2020.
2. I observe that the applicant has not served the Respondents as there is no evidence of such service despite the High Court at Bungoma granting a hearing date which is today. The learned Judge nonetheless, did not direct service of the application upon the Respondents. Neither did he certify the matter as urgent.
3. I have however perused the application and all the supporting documents and I am satisfied that the same is urgent. I certify it as urgent and direct the applicants to serve the Respondents with the application for interpartes mention before the duty Judge on 10/9/2020.
4. In the meantime, as execution process is ongoing, I order for temporary stay of attachment and or sale of the applicant's property as proclaimed by the Dominion Yard Auctioneers pending interpartes consideration of this matter on 10/9/2020.
5. The matter is therefore placed before Kisumu High Court for consideration interpartes on 10/9/2020.
6. Orders accordingly.

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

R.E. ABURILI

JUDGE