



**REPUBLIC OF KENYA**

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

**KISUMU HIGH COURT CIVIL CASE NO. 9 OF 2020**

**LE SAVANNA COUNTY LODGE HOTEL ..... PLAINTIFF/APPLICANT**

**VERSUS**

**DIAMOND TRUST BANK KENYA LTD .....DEFENDANT/RESPONDENT**

**RULING**

1. I have considered the applicant plaintiff's application seeking leave to be heard during the Recess. I have also read the certificate of urgency and grounds. I am satisfied that the applicant deserves to be heard during the Recess. I grant leave to the applicant to be heard during the recess.

2. On the substantive application dated 2.9.2020, I have perused the prayers therein, the grounds and affidavit in support thereof together with the annexures. I am satisfied that the application deserves to be considered exparte in the first instance owing to its urgency as disclosed in the certificate of urgency signed by S.M. Onyango Advocate.

3. Accordingly, I certify the application dated 2.9.2020 as urgent for expeditious consideration. On the prayers for injunction, I hereby direct the applicant herein to forthwith serve the Respondent's Counsel with the application for interpartes mention for directions before the duty judge at Kisumu on 7.9.2020.

4. I find no reason to grant any interim relief as the Notice of Sale issued on 27.8.2020 gives the applicant 40 days from dated of service of the Notice.

Orders accordingly.

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

**R.E. ABURILI**

**RECESS DUTY JUDGE**