

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAROK

CIVIL CASE NO 12 OF 2018

JOHN CHEPKOROS MOINDI

T/A SINENDE WHOLESALER LTD.....APPLICANT

VERSUS

TRANSNATIONAL BANK LTD.....1ST RESPONDENT

SARAH NJOKI MUNGE

T/A SANJOMU AUCTIONEERS.....2ND RESPONDENT

RULING

1. The plaintiff/applicant filed his certificate of urgency to stop the sale of the motor vehicles and parcels of land set out in his certificate of urgency dated 13/2/2019. I certified the matter urgent. The respondents were served and duly appeared through their counsel, Mr. Simiyu.
2. Other than the document titled certificate of urgency, the applicant did not file any notice of motion and the standard practice of supporting the application by an affidavit. As a result, I ordered the applicant to file a proper application which he did and filed it in court this morning. He then served it upon the respondents who duly appeared.
3. During their oral submissions in court this afternoon, it came to light that the issues raised are weighty, both in law and fact.
4. One of the weighty issues raised is that the 1st respondent as a chargor was exercising his powers of sale. It is pursuant to those powers that they advertised a sale by auction to recover an outstanding loan in the sum of Shs.20 million.
5. Because of the urgency of the application and the amount of money involved and in view of the imminent sale scheduled for 15/2/2019, I hereby find that it is in the interests of justice to issue an interim order of injunction to stop the intended auction until the instant application and that of 11/10/2018 have been heard.
6. I therefore grant prayers 2 and 3 of the notices of motion pending the hearing and determination of those two applications, which must be heard on priority basis.

Ruling dated and delivered in open court at Narok this 15th day of February 2019 in the presence of Mr. Meingati for the applicant and Mr. Simiyu for the respondents.

J. M. Bwonwonga

Judge

15/2/2019