

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

COMMERCIAL & ADMIRALTY DIVISION

HCCC NO. 313 OF 2018

AWALI TUMAINI INVESTMENT LIMITED.....PLAINTIFF

VERSUS

ENGEN KENYA LIMITED.....DEFENDANT/RESPONDENT

CO-OPERATIVE BANK OF KENYA LIMITED.....DEFENDANT

RULING

1. The Supervisory Jurisdiction over the Business Premises Tribunal is exercised by The Environment and Land Court. It is clear to me that this Court is bereft of Jurisdiction and Power (that flows from Jurisdiction) to set aside the Order of The Business Premises Tribunal in Case Number 678 of 2018. Perhaps this Court would have had a say if that Order was in contempt or contravention of an Order issued by this Court. That is not the case here.

2. The Notice of Motion of 3rd September 2018 is struck out with costs.

Dated, delivered and signed in open Court at Nairobi this 2nd day of November, 2018.

F. TUIYOTT

JUDGE

Present:-

Kihara for Plaintiff/Respondent

Maondo for Applicant

Nixon - Court Assistant