



**REPUBLIC OF KENYA**

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

**MILIMANI LAW COURTS**

**CIVIL DIVISION**

**HIGH COURT MISC. APPL. NO. 545 OF 2016**

**JAMES EWATAN EKENO .....APPLICANT**

**VERSUS**

**EQUITY BANK (KENYA) LIMITED) .....RESPONDENT**

**RULING**

1. The application dated 10<sup>th</sup> October, 2016 seeks orders that the Applicant be granted leave to institute suit as a pauper.
2. The application is based on the grounds stated on the face of the application and is supported by the affidavit of the Applicant, James Ewatan Ekeno. It is dated that the applicant has no means to raise the court fees of Ksh.70,000/= due to pauperism. The Applicant wishes to file suit against the Respondent for a sum of Ksh.9,603,255/=.
3. It is the Applicants case that he had applied for a loan from the Respondent to purchase a motor vehicle for a transport business. That the purchase price of the motor vehicle was Ksh.6,000,000/= and the Respondent financed 70% of the purchase price which was ksh.4,200,000/=. However, the motor vehicle subsequently developed mechanical problems and the respondent failed to give the Applicant any further financial support. The Applicant alleges that the Respondent is in breach of contract, hence the claim for Ksh.9,603,255/= which includes the purchase price of the defective motor vehicle, repair works and loss of business.
4. In support of his claim, the Applicant has annexed a plaint, a letter from his chief and his letters to the Respondent.
5. I have considered the application. I have seen no reason to reject the same at this stage as provided under order 33 rule 5 Civil Procedure Rules. I direct that the application be served on the Respondent for the receiving of the evidence on pauperism and for hearing of any evidence by the Respondent in disproof thereof.

**Dated, signed and delivered at Nairobi this 9<sup>th</sup> day of Feb., 2017**

**B THURANIRA JADEN**

**JUDGE**