



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT KISUMU

MISC. CIVIL APPLICATION NO. 94 OF 2008

RAJNI K. SOMAIA APPLICANT/RESPONDENT

VERSUS

DELPHIS BANK LIMITED (Now

ORIENTAL COMMERCIAL BANK LIMITED).....RESPONDENT/APPLICANT

AND

VICTORIA BLUE SERVICES2ND RESPONDENT

RULING

By the Notice of Motion dated 13th July 2015 the applicant sought orders to stay execution of the taxed costs herein, setting aside of the warrant of attachment and proclamation dated 22nd June 2015 and 2nd July 2015 respectively and for any further orders as may be just to grant.

The gist of the application as could be discerned from the grounds on its face as well as the supporting affidavit was that there was need to take accounts as the respondent having acted as Advocate for the applicant in various matters was holding money to the credit of the applicant. It was vehemently opposed and the respondent relied on the replying affidavit sworn on 21st July 2015 by Wesley Robinson Maranga Gichaba, Advocate. The matter was certified urgent on 14th July 2015 and fixed for hearing on 17th July 2015 but it went before a Judge who adjourned it to 22nd July 2015. When it came before me and before it could be heard the Respondent's Advocate raised preliminary objection which this Court proceeded to hear. It was that preliminary objection that was scheduled to come for ruling on 8th October 2015.

I have however seen a Notice of Withdrawal of the whole application. The same is dated 19th August 2015 and was filed on 20th August 2015 (during vacation). In view of this notice I see no need to address myself to the issues raised in the preliminary objection. Instead I shall mark the application dated 13th July 2015 as wholly withdrawn with costs to the Respondent. It is so ordered.

Signed, dated and delivered at Kisumu this 8th day of October, 2015

E. N. MAINA

JUDGE

In presence of:-

N/A for the Applicant/Respondent

N/A for the Respondent/Applicant

N/A for the 2nd Respondent

CC: Moses Okumu

COURT: Ruling marked as delivered and file returned to the registry

E. N. MAINA

JUDGE

8/10/2015