



REPUBLIC OF KENYA

High Court at Mombasa

Miscellaneous Civil Application 29 of 2005

CHARLES OKOYO JAKAMUMBO PLAINTIFF

V E R S U S

MARTIN OCHIENG OKETCH DEFENDANT

AND

MAJID SAID & WARDA OMAR APPLICANTS

AND

KENYA COMMERCIAL BANK LIMITED RESPONDENT/APPLICANT

RULING

Before Court is the Notice of Motion dated 23rd July 2012. It is not opposed. The Court allows the application as prayed. It is satisfied that at the time of settling the terms for the execution of the decree in Msa CMCC No. 4080 of 2002 the chargees interest should have been disclosed. That interest cannot be defeated by the sale that took place thereafter.

Dated and delivered at Mombasa this 9th day of October, 2012.

**F. TUIYOTT
JUDGE**

Dated and delivered in open court in the presence of:-

Jumbale for Munyao for Respondent

Court clerk - Benta

F. TUIYOTT
JUDGE