

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
CIVIL CASE NO. 433 OF 1993
JACINTA AWITI OBOGO.....PLAINTIFF
VERSUS
SAVINGS & LOANS (K) LTD.....DEFENDANT

R U L I N G

The defendant seeks a transfer of this suit to the commercial court for hearing as the same is said to be commercial in nature. The application is opposed.

It is true that the foundation in these proceedings is a charge said to have been executed by one Margaret Obaso. However there are two orders sought i.e a declaration and an injunction, which broadly puts this matter among any commercial transaction in normal life.

Further to the foregoing, this suit is and has been due for hearing for some time now. If transferred, more delay may occur. If on the other had the plaintiff appears to be taking advantage of an injunction order granted herein, the defendant is at liberty to move the court for appropriate orders. The application is therefore refused and dismissed with costs.

Order accordingly.

Dated and delivered at Nairobi this 29th day of January, 1999.

A. MBOGHOLI MSAGHA

JUDGE