

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT NAIROBI (MILIMANI LAW COURTS)

CIVIL CASE 2630 OF 97

1 K H OSMOND.....PLAINTIFF

V

DAIMA BANK LIMITED & 2 OTHERS.....DEFENDANTS

RULING

The Applicant seeks a temporary injunction to stop any further attachments or sale of certain goods and Chattels belonging to him, and orders requiring the Respondents to return to him the attached property, including a motor vehicle, Registration No KAD 929A.

The plaint, the defence, the counter-claim and a reply and defence to the counter-claim; and then the detailed argument on disputed facts and law, make the controversy so focused on such a diversity of questions going beyond affidavit materials and interlocutory arguments, that to attempt to resolve the conflict at this stage would prejudice the parties. Some of the property admittedly attached appear to be tools of trade.

All other questions aside, the balance of convenience and the interests of justice demand that the pre-dispute status quo must be returned to. There is no point in escalating the costs, and bringing about hardship to third parties who may be interested in buying the attached property when there are these serious disputes over an unwitnessed, undated, unstamped and unregistered Chattels transfer instrument under which the respondents have acted to the detriment of the Applicant who reacts with these proceedings saying the actions of the Respondents are under a void documents.

Let things be held in suspensions till the controversy is finally resolved. Accordingly, the orders sought in the application are granted in terms of the

prayers therein, until the suit is disposed of unless it is otherwise ordered by the court. Costs in the cause. It is so ordered.