

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA

AT KIAMBU

COMMERCIAL CASE NO.E025 OF 2025

BENARD KIMANI KANYUTU.....PLAINTIFF/APPLICANT

VERSUS

FAMILY BANK LIMITED.....1ST DEFENDANT/RESPONDENT

INTEGRA AUCTIONERING CO.....2ND DEFENDANT/RESPONDENT

RULING

1. The Applicant filed **Notice of Motion application dated 5th September, 2025** seeking injunctive orders in respect to the parcel of land known as **LR Githunguri/Githunguri/1261** pending the hearing of the application and the suit. He sought too costs of the application.
2. The Application was served upon the Respondents and there is an Affidavit of service sworn by **John Kairu Kimani** on 17th September, 2025 indicating that each of the Respondents were served through their email addresses which confirms service was indeed effected.
3. The court notes that the Respondents are yet to file any responses to the

application and neither have they attended court or sent representation to explain absence and or failure to respond. In view of this, the court proceeds to allow the application dated 5th September, 2025 in the following terms:-

- a) *A temporary order of injunction be and is hereby issued restraining the Defendants/Respondents by their servants, workmen, licensees, agents or any other persons acting on their own behalf or as instructed by the Defendants/ Respondents from interfering, disposing and/or selling the property referred to as LR Githunguri/Githunguri/1261 pending the hearing and determination of the main suit.*
- b) *The costs of the application be in the cause.*

It is so ordered.

**RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT KIAMBU
THIS 30TH DAY OF SEPTEMBER, 2025.**

**D. O. CHEPKWONY
JUDGE**

In the presence of:

Mr. Rukwaro holding brief for Mr. Kimani counsel for Plaintiff/Applicant

No appearance for and by the Respondents/Defendants

Court Assistant - Martin