



REPUBLIC OF KENYA



**KENYA LAW**  
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**Wafula t/a The Rossyland Hotel v Family Bank Limited (Civil Appeal E120 of 2025) [2025] KEHC 15878 (KLR) (28 October 2025) (Ruling)**

Neutral citation: [2025] KEHC 15878 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT BUNGOMA  
CIVIL APPEAL E120 OF 2025  
MS SHARIFF, J  
OCTOBER 28, 2025**

**BETWEEN**

**ANDREW KITUYI WAFULA T/A THE ROSSYLAND HOTEL ..... APPELLANT**

**AND**

**FAMILY BANK LIMITED ..... RESPONDENT**

**RULING**

1. The Appellant/Applicant Andrew Kituyi Wafula T/A the Rossyland Hotel has moved this court vide a Notice of Motion dated 22.10.2025 which is supported by his own affidavit of even date. He craves for the following orders:
  1. Spent.
  2. That an order of injunction do issue restraining the respondent from selling or transferring the land parcel known as Bokoli/Bokoli/1410 scheduled for the 7<sup>th</sup> November, 2025 or on any other date pending the hearing and determination of this application in the first instance.
  3. That an order of injunction do issue restraining the respondent from selling or transferring the land parcel known as Bokoli/Bokoli/1410 scheduled for the 7<sup>th</sup> November, 2025 or on any other date pending the hearing and determination of this appeal emanating from the decision made in Bungoma Chief Magistrate Court Civil Suit No. E470 of 2018 - Andrew Kituyi Wafula T/A The Rossyland Hotel v Family Bank Limited.
  4. that the costs of this application be provided for.
2. The gist of the Applicant's application is that he has been aggrieved by the ruling delivered on 8<sup>th</sup> July 2025 in Bungoma CMCC No. E470 of 2018 and has thus filed this appeal and whilst this appeal is pending hearing and determination, the respondent has opted to exercise its statutory power of sale and pursuant thereto has advertised the appellant's parcel No. Bokoli/Bokoli/1410 for sale through a



public auction to be conducted by Ms Keysian Auctioneers on 7<sup>th</sup> November 2025. He thus craves that an injunction order do issue to restrain the respondent and Ms Keysian Auctioneers from proceeding with the sale and transfer of the subject property.

3. Whereas this matter was handled by Justice Rose Ougo at the ex parte stage, she directed that it be placed before me on 27.10.2025 for direction on how the applicant's application was to be dealt with.
4. On 27.10.2025 when this matter came up for directions, I directed that the application be canvassed by way of oral submissions on the same day and I then reserved the ruling for 28.10.2025.
5. Upon being persuaded that the respondent was duly served with this application on 23.10.2025; as per the affidavit of service of one Raphael Wambua Kigamwa, I allowed Mr. Wambua to prosecute the applicant's application which was unopposed.
6. I have duly considered the application herein, the affidavit in support thereof and the enclosures attached thereto and in light of the fact that it stands unopposed, I do hereby allow it and I make the following orders:
  - a. An order of injunction is hereby issued restraining the respondent from selling or transferring all that parcel of land known as Bokoli/Bokoli/1410 until the appeal herein is heard and determined.
  - b. The applicant shall bear his own costs.

**DELIVERED, SIGNED, AND DATED AT BUNGOMA THIS 28<sup>TH</sup> DAY OF OCTOBER, 2025.**

**MWANAISHA S. SHARIFF**

**JUDGE.**

