

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT AT NAIROBI**  
**COMMERCIAL & TAX DIVISION**  
**MILIMANI LAW COURTS**  
**HCCC 296 OF 2022**

[Coram: Gikonyo ]]

**ECOBANK KENYA  
LIMITED.....DECREE HOLDER**

**VERSUS**

**MINOLTA LIMITED.....1ST  
JUDGMENT DEBTOR**

**JOSEPH MICHAEL ADEDE.....2ND  
JUDGMENT DEBTOR**

**CAROLINE MLALE MBELA ADEDE.....3RD  
JUDGMENT DEBTOR**

**AND**

**CENTRAL DEPOSITORY AND SETTLEMENT  
CORPORATION.....1<sup>ST</sup>  
INTERESTED PARTY**

**DIRECTOR GENERAL OF THE NATIONAL  
TRANSPORT AND SAFETY  
AUTHORITY.....2<sup>ND</sup>  
INTERESTED PARTY**

**DIRECTOR GENERAL OF BUSINESS  
REGISTRATION  
SERVICE.....3<sup>RD</sup>  
INTERESTED PARTY**

**CHIEF LAND REGISTRAR.....4<sup>TH</sup>  
INTERESTED PARTY**

**RULING**

1. The decree holder/ applicant filed the notice of motion dated 23.4.2025 amended on 2.5.2025 seeking discovery and attachment of the

judgment debtors various movable and immovable assets as the decree has not been satisfied and the judgment debtors have refused to pay the decretal sum.

2. During mention of the matter on 21.7.2025, the applicant's counsel indicated that they served the application. The court directed them to file and serve submissions in 2 days and the judgment debtor to file and serve theirs within 14 days of service.
3. At the time of drafting the ruling, the court did not sight the affidavit of service in respect of the application and the submissions either on the Judiciary's Case Tracking System or the physical file.
4. Therefore, there is no proof of service.
5. The judgment debtors are entitled to the right to file their response and be heard. The right to be heard is an important component of the rules of natural justice.

### **Directions**

6. The court therefore directs the decree holder to serve the application upon the judgment debtors.

7. The order scheduling this matter for ruling is, thus, vacated, and the matter is no longer for ruling.
8. The application be fixed for directions. A notice thereof be served upon the plaintiff.

**Dated, signed and delivered at Nairobi through Microsoft Teams online application this 4<sup>th</sup> day of December, 2025**

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**F. Gikonyo M**

**JUDGE**

**In the presence of: -**

**Ongere for Adenza for Applicant  
KNK LLP for Judgment debtor  
CA - Kinyua**