



REPUBLIC OF KENYA



Bankforth Investment Co. Ltd v Ava Trade Limited (Civil Case E049 of 2025) [2026] KEHC 998 (KLR) (21 January 2026) (Ruling)

Neutral citation: [2026] KEHC 998 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
CIVIL CASE E049 OF 2025
DO CHEPKWONY, J
JANUARY 21, 2026**

BETWEEN

BANKFORTH INVESTMENT CO. LTD PLAINTIFF

AND

AVA TRADE LIMITED DEFENDANT

RULING

1. This matter came up for mention on 19th January, 2026 and the Applicant/Proposed Interested Party informed the court that there are three (3) pending applications being;
 - a. One dated 13th January, 2026 in which the Applicant/Proposed Interested party is seeking joinder and as Interested Party.
 - b. One dated 13th November, 2025, in which the Applicant is seeking orders for recusal of Lady Justice Mshilla among other orders; and,
 - c. The application dated 30th September, 2025 seeking stay of execution of the decree and ruling of the court.
2. According to the Applicant's counsel, the applications have not yet been responded to and seeks that the Respondents be given a chance to file their respective responses and in the meantime, prays that the status quo orders do issue pending the hearing and determination of all the applications.
3. Counsel for the Respondent through M/S Chege has expressed the same sentiments and they are not opposed to the interim orders being granted as prayed.
4. In respect of the application dated 13th January, 2026, counsel for the Plaintiff stated that the affidavit was not commissioned and are not sure whether it was only his copy, so that if that be the case, then the application will be defective and no directions can issue on the same. However, counsel confirms that the other applications directions can be issued on those that are pending.



5. This Court has gone through the record and confirms that the aforementioned applications were pending before Thika High Court before the file was transferred to this Court. The court has also perused the said applications respectively and is of the view that the application for joinder be determined in priority so that all other issues can be addressed after.
6. Therefore, the following directions do issue:
 - a. The Notice of Motion application dated 13th January, 2026 seeking joinder of the Interested Party to be heard and determined in priority.
 - b. The other parties to file and serve their respective responses within fourteen (14) days from the date of these directions with the Proposed/Interested Party/Applicant being granted corresponding leave of seven (7) days to file further affidavit if need be alongside written submissions upon being served with the other parties responses.
 - c. The other parties are equally granted leave to file and serve their respective submissions within seven (7) days of being served with the Applicant/Proposed Interested Party/Applicant submissions.
 - d. The matter to be mentioned on 2nd March, 2026 for parties to confirm compliance with the said directions and take further directions.
 - e. Interim orders issued herein are hereby extended until then.It is so ordered.

RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT KIAMBU THIS 21ST DAY OF JANUARY , 2026.

D. O. CHEPKWONY

JUDGE

In the presence of:

M/S Mosi counsel for Plaintiff/Respondent

M/S Bichanga holding brief for Mr. Karungo counsel for 1st, 2nd and 3rd Interested Parties

Mr. Mbakanga holding brief for M/S Kaleli counsel for Applicant.

Court Assistant – Sakina/Martin

