



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAKURU**

**CIVIL CASE NUMBER E021 OF 2025**

**CHARLES NJUGUNA -----**

**PLAINTIFF**

**VERSUS**

**DUBAI INVESTMENT BANK -----**

**DEFENDANT**

**RULING**

1. The Plaintiff brings an amended Notice of Motion dated 25/4/2025 for these reliefs:-

- 1. Spent.**
- 2. Spent.**
- 3. THAT the statutory notice of sale issued by the Respondent be set aside pending hearing and determination of MCELC/E086/2025 Mugure Irungu Gitonga vs Henry Macharia Kariuki and Charles Njuguna which has a hearing date of 19<sup>th</sup> May, 2025.**

**4. THAT this Honourable Court be pleased to issue an extension of 9 months before the Applicant can resume with loan repayment since the date of default.**

**5. THAT pending the hearing and determination of this suit *inter partes*, the Respondent, whether by proxy, through its agents, servants, employees or any other person acting as its behest, be restrained from advertising for sale, disposing of, selling or otherwise interfering with land known as LAND PARCEL NO. SIGONA/1680 and/or dealing in any other manner with the parcels of land.**

**6. THAT costs of this application be borne by the Respondent.**

2. The Application is supported by the Plaintiff's Affidavit.

No reply has been filed by the Respondent.

3. The record shows that the Application was purportedly served upon the Law firm of Sagana Mugenda Advocates LLP and was received by a secretary known as Lynne Wanza. What is attached to the Affidavit of service dated 24/11/2025 is, however, a mention notice

purporting to have been received by the Defendant bank. It is therefore unclear if the Application itself was served. It is not also shown that the Advocates said to have been served were instructed by the Defendant. Moreover, a secretary may not be a proper officer authorised to receive suit documents on behalf of a Corporation under the Civil Procedure Rules 2010.

4. The court therefore declines to allow the Application for want of proper service.

**J. M. NANG'EA - JUDGE**

**Ruling delivered virtually this 18<sup>th</sup> day of February, 2026.**

**In the presence of:**

**Plaintiff's Advocate, Mr. Tito**

**Defendant, N/A.**

**Court Assistant (Jeniffer).**

**J.M. NANG'EA - JUDGE.**