



IN THE COURT OF APPEAL

AT NAIROBI

(CORAM: OUKO, (P), ASIKE - MAKHANDIA & SICHALE, JJ.A)

CIVIL APPLICATION NO. E243 OF 2020

BETWEEN

COLLOGNE INVESTMENTS LIMITED.....APPLICANT

AND

BANK OF AFRICA KENYA LIMITED.....1ST RESPONDENT

NAKUMATT HOLDINGS LIMITED

(UNDER ADMINISTRATION).....2ND RESPONDENT

IGARE AUCTIONEERS.....3RD RESPONDENT

*(An Application for injunction pending the hearing and determination of an intended appeal from the Decision/Judgment of the Commercial and Tax Division of the High Court of Kenya at Nairobi (Kasango Mary, J.) delivered on 18<sup>th</sup> June, 2020*

in

*HCCC No. E385 of 2019)*

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**ORDER OF THE COURT**

This application for injunction brought pursuant to **Rule 5(2)(b)** of the Court’s Rules was canvassed before us on 24<sup>th</sup> August, 2020 and the ruling reserved for 23<sup>rd</sup> October, 2020. In the meantime, on 12<sup>th</sup> October, 2020 the applicant, through its counsel, Wasuna & Co. Advocates wrote to the Registrar of this Court requesting that they be allowed to withdraw the application. That letter was copied to Oraro & Company Advocates and Aduda & Company Advocates, counsel representing the respondents.

By the provisions of **Rule 52**, an applicant is at liberty at any time to apply for leave of the Court to withdraw his or her application.

In those circumstances, and the respondents not having written to object to the request, we allow the informal application and order that the application be and is hereby marked as withdrawn with costs to the respondents.

**Dated and delivered at Nairobi this 23<sup>rd</sup> day of October, 2020.**

**W. OUKO, (P)**

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**JUDGE OF APPEAL**

**ASIKE – MAKHANDIA**

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**JUDGE OF APPEAL**

**F. SICHALE**

.....

**JUDGE OF APPEAL**

*I certify that this is a true  
copy of the original.*

*Signed*

**DEPUTY REGISTRAR**