



REPUBLIC OF KENYA
IN THE COURT OF APPEAL

AT NAIROBI

(CORAM: TUNOI, BOSIRE & O'KUBASU JJ.A)

**CIVIL APPLICATION NO.NAI.354 OF 1999 (146/99 UR)
BETWEEN**

PILAR TIMON SHAH APPLICANT

AND

KAUSHIK MOHANLALA SHAH 1ST RESPONDENT

SUNDIP MOHANLAL SHAH 2ND RESPONDENT

FINA BANK LIMITED 3RD RESPONDENT

**An application for committal for contempt of Court
arising out of an application for stay of execution
in an intended appeal from the Ruling of the High
Court of Kenya at Nairobi (Justice Cockar J) dated
21st May, 1990**

in

H.C.C.C. No.3380 of 1989)

RULING OF THE COURT

The applicant Pilar Timon Shah, has applied to this court for leave to bring contempt proceedings against the three respondents, on the grounds that the latter breached an order of this court given on 13th August 1999, restraining them from transferring, charging or otherwise disposing of the assets, which were the subjectmatter of the litigation between the parties in Nairobi High Court Civil Case No.801 of 1998 (OS). The order allegedly breached was made in Civil Application No. NAI. 180 of 1999. We have considered the application for leave and are satisfied that the applicant has taken all the essential steps preliminary to bringing a contempt cause and accordingly grant the leave prayed for. The applicant is allowed 14 days from the date hereof to commence the contempt proceedings. The costs of this application to abide the outcome of the intended contempt proceedings.

Dated and delivered this 24th day of February, 2000.

P.K. TUNOI

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JUDGE OF APPEAL

S.E.O. BOSIRE

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JUDGE OF APPEAL

E. O'KUBASU

.....

JUDGE OF APPEAL

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

DEPUTY REGISTRAR