



Chege v Equity Bank (Kenya) Limited & another (Commercial Suit E010 of 2025) [2025] KEHC 11447 (KLR) (24 June 2025) (Ruling)

Neutral citation: [2025] KEHC 11447 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
COMMERCIAL SUIT E010 OF 2025
DO CHEPKWONY, J
JUNE 24, 2025**

BETWEEN

GEOFFREY KURIA CHEGE PLAINTIFF

AND

EQUITY BANK (KENYA) LIMITED 1ST DEFENDANT

NGURU AUCTIONEERS 2ND DEFENDANT

RULING

1. When this matter came before court on 9th June, 2025, the Applicant's Counsel confirmed having been served with the 1st Respondent's Replying Affidavits dated 17th April, 2025 and 27th May, 2025 respectively, counsel went on to state that the 1st Respondent raised an issue of service of Summons to Enter Appearance. He confirmed that indeed the said Summons was not served for the reasons that they were yet to obtain the same but he has been following up on the same. He indicated that he lodged a Request for Summons on the case tracking system issued on 29th April, 2025 and thus it can clearly be seen that the delay in getting the same is administrative and not on indolence on his part. He thus requested for court's intervention for summons to enter appearance to issue for them to serve. Further, counsel has further asked for more time to enable her file Further Affidavit.
2. In response, counsel for the Defendants stated that the issue of service of Summons was raised to the court's attention and it has now been over one(1) month and ten (10) days and since the same has not yet been done. The Defendants' counsel has urged the Court to give orders to the effect that the Applicant has not complied the interim orders in place should be vacated.
3. In rejoinder, the Applicant's Counsel stated that it would be prejudicial to them if the orders are vacated and urged the court to extend the interim orders and they be allowed to file further affidavit and submissions.



4. In light of the arguments between the two Counsel, the court finds that it would be detrimental to vacate the orders on the basis that Summons to Enter Appearance has not been issued since it is not a fault on the part of the Applicant but of the court.
5. For that reasons the court makes the following directions:-
 - a. The incharge at the High Court Registry do ensure that the said Summons to Enter Appearance be issued forthwith subject to all requisite procedures.
 - b. The Applicant is hereby granted leave of seven (7) days to file and serve a Further Affidavit alongside her written submissions.
 - c. The Respondent is hereby equally granted leave of seven (7) days to file and serve Supplementary Affidavit, if need be and a further fourteen (14) days to file written submissions.
 - d. Mention on 23rd July, 2025 before the Deputy Registrar to confirm compliance and further directions.
 - e. The interim orders in place are hereby extended.

It is so ordered.

RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT KIAMBU THIS 24TH DAY OF JUNE, 2025.

D. O. CHEPKWONY

JUDGE

In the presence of:

M/S Pyopo counsel for Plaintiff/Applicant

Mr. Muraya counsel for Defendant

Martin – Court Assistant

