



**Odongo t/a Odongo Investment Auctioneers & another v Chemilil
Sugar Company Limited (Miscellaneous Civil Application
E009 of 2024) [2024] KEHC 722 (KLR) (31 January 2024) (Ruling)**

Neutral citation: [2024] KEHC 722 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KISUMU
MISCELLANEOUS CIVIL APPLICATION E009 OF 2024
RE ABURILI, J
JANUARY 31, 2024**

BETWEEN

**OSCAR OTIENO ODONGO T/A ODONGO INVESTMENT
AUCTIONEERS 1ST APPLICANT**

OTIENO, RAGOT & COMPANY ADVOCATES 2ND APPLICANT

AND

CHEMILIL SUGAR COMPANY LIMITED RESPONDENT

*(Arising from Warrants of attachment and sale dated 14th
December 2023 in Kisumu HC Misc. Application No. 96 of 2019)*

RULING

1. The application dated 29th January 2024 seeks from this court orders directing the OCS Chemelil Police Station to provide security to the Applicant auctioneers herein in execution of decree of this court issued in Kisumu HC Misc. Application No. 96 of 2019 as the Respondents have barricaded their premises and made it impossible for attachment of the property proclaimed on 15th December 2023.
2. The Applicant also prays for an order that they be allowed to break the gates and enter the judgment debtor's premises to seize the proclaimed properties.
3. The application is supported by the grounds and affidavit sworn by Oscar Otieno Odongo on 29th January 2024 explaining the circumstances that have necessitated the filing of this application.
4. The application is made exparte as the Respondents are said to most likely engage goons to attack the auctioneers should the Respondents get wind of the auctioneer's visit to their premises.



5. Having considered the application and the supporting affidavit and perused decree of this court dated 16th October 2023 which is sought to be executed in Kisumu HC Misc. Application 96 of 2019, I am satisfied that the Respondent Chemelil Sugar Company Limited has made it impossible for the auctioneers to execute their duties and that the auctioneers deserve to be assisted with police security to enable them execute decree of this court against the Respondent.
6. Accordingly, I allow the application dated 29th January 2024 and order that the OCS, Chemelil Police Station shall provide security, police officers from the said Police Station to provide security to Oscar Odongo Auctioneers and his staff to facilitate them access and take possession of property proclaimed on 15th December 2023 from the premises of Chemelil Sugar Company Limited in execution of decree of this court in Kisumu HC Misc. Application No. 96 of 2019.
7. The cost of such security arrangement shall be met by the auctioneers but recoverable from the execution process from the Respondent.
8. This Ruling and order to be typed/extracted forthwith.
9. I so order
10. This file is closed.

DATED, SIGNED AND DELIVERED AT KISUMU THIS 31ST DAY OF JANUARY, 2024

R. E. ABURILI

JUDGE

