

REPUBLIC OF KENYA  
IN THE HIGH COURT OF KENYA AT NAIROBI  
CIVIL DIVISION  
CIVIL SUIT NO. 147 OF 2016 (FAST TRACK)

NATIONAL BANK OF KENYA LIMITED ..... PLAINTIFF

VERSUS

CYPRIAN NYAKUNDI ..... DEFENDANT

**SERVICE OF HEARING NOTICE BY ADVERTISEMENT**

To: CYPRIAN NYAKUNDI

TAKE NOTICE that the above suit has been filed in the High Court in Nairobi, Civil Division in which you are named as Defendant. The Plaintiff has together with the Plaintiff filed a Notice of Motion Application dated 06/06/2016 seeking certain interlocutory reliefs against you.

Hearing of the said Notice of Motion Application has been fixed for 16<sup>th</sup> June, 2016 at 7:00 a.m. in the forenoon or soon thereafter at the High Court in Nairobi and service of the application has been ordered by means of this advertisement. Copies of the Plaintiff and Notice of Motion Application may be obtained at the High Court registry in Nairobi, Milimani Law Courts or from the offices of the Plaintiff's advocates indicated below.

**TAKE FURTHER NOTICE** that in default of your attendance on the said date and time, the Court may proceed to hear the application and make such orders as it may deem fit your absence notwithstanding.

DATED at NAIROBI 16<sup>th</sup> day of June, 2016.

MUTUA WAMBUI & COMPANY  
ADVOCATES FOR THE PLAINTIFF

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CIVIL SUIT NO. 147 OF 2016 (FAST TRACK)

NATIONAL BANK OF KENYA LIMITED ..... PLAINTIFF

VERSUS

CYPRIAN NYAKUNDI ..... DEFENDANT

IN CHAMBERS ON 7<sup>th</sup> JUNE 2016

BEFORE HON. MR. JUSTICE MBOGHOLI MSAGHA

**ORDER**

UPON READING the Certificate of Urgency dated 6<sup>th</sup> June 2016 and presented to the Court on 7<sup>th</sup> June 2016 by the Counsel for the Plaintiff and the Supporting Affidavit of VINCENT T. JUMA sworn on 6<sup>th</sup> June 2016 AND UPON READING the Notice of Motion Application dated 6<sup>th</sup> June 2016 and presented to the Court on 6<sup>th</sup> June 2016 by the Counsel for the Plaintiff/Applicant (Under Order 5 Rule 17, Order 40 Rule 2 and Order 51 Rule 1 of the Civil Procedure Rules, Sections 1A, 1B, 3, & 3A of the Civil Procedure Act and SAMUEL MUNDIA sworn on 6<sup>th</sup> June 2016 together with the annexures thereto AND WHEREAS this Application coming up ex-parte in Chambers.

**IT IS HEREBY ORDERED:**

1. THAT Leave be and is hereby granted to the Plaintiff to serve the Defendant with summons to enter appearance, Court orders and process by way of substituted means by affixing a copies thereof in some conspicuous place in the Court house, by way of newspaper advertisement, by way of sending the same by email through his known email address CyprianNyakundi@gmail.com, by way of using his disclosed WhatsApp Number +254710260973, or by way of such other manner that the Honorable Court thinks fit.

GIVEN under my hand and Seal of the Honourable Court this 7<sup>th</sup> day of June 2016.

ISSUED at Nairobi this 8<sup>th</sup> day of June 2016.

COPY THIS IS A TRUE  
COPY OF THE ORIGINAL  
DATED 8/6/16  
HIGH COURT OF KENYA  
CIVIL DIVISION

DEPUTY REGISTRAR  
HIGH COURT OF KENYA, NAIROBI  
CIVIL DIVISION

REPUBLIC OF KENYA  
IN THE HIGH COURT OF KENYA AT NAIROBI  
MILIMANI LAW COURTS  
CIVIL SUIT NO. 147 OF 2016 (FAST TRACK)

NATIONAL BANK OF KENYA LIMITED ..... PLAINTIFF

VERSUS

CYPRIAN NYAKUNDI ..... DEFENDANT

IN CHAMBERS ON 6<sup>th</sup> JUNE 2016

BEFORE THE HON. MR. JUSTICE MBOGHOLI

**ORDER**

UPON READING the Notice of Motion dated 6<sup>th</sup> June, 2016 and presented to the court on 6<sup>th</sup> June, 2016 by Counsel for the Plaintiff Under Order 5 Rule 17, Order 40 Rule 2 and Order 51 Rule 1 of the Civil Procedure Rules, Sections 1A, 1B, 3, and 3A of the Civil Procedure Act and all other enabling provisions of the law AND UPON READING the Supporting Affidavit of SAMUEL MUNDIA sworn on 6<sup>th</sup> June, 2016, together with the annexures thereto AND WHEREAS this application coming up ex-parte.

**IT IS HEREBY ORDERED:**

1. THAT the Notice of Motion be and is hereby certified as urgent.
2. THAT hearing be on 16<sup>th</sup> June 2016 by any Judge in the Division.
3. THAT the Respondent be served.
4. THAT pending the hearing and determination of the application inter partes, an interim injunction be and is hereby granted restraining the Defendant, whether by himself, his servants, agents or employees from publishing and/or causing to be published any statements defamatory of the Plaintiff, its shareholders, directors and/or employees in any nature, form and manner whatsoever on his blog page <https://www.cprk.org>, twitter handle @C.Nyakundi and/or any other of his social media platform accounts whatsoever.

GIVEN under my hand and seal of the Honourable Court this 6<sup>th</sup> day of JUNE, 2016.

ISSUED on the 7<sup>th</sup> day of June 2016.

COPY OF THE ORIGINAL  
DATED 7-6-16  
HIGH COURT OF KENYA  
NAIROBI

DEPUTY REGISTRAR  
HIGH COURT OF KENYA, NAIROBI

**FORMA NOTICE**

TAKE NOTICE that the order of the Honourable court made on the 6<sup>th</sup> day of June 2016 is a copy thereof is served upon you herewith, in obedience upon you personally and upon such of your officers, servants and agents as are concerned and commissions full obedience.

TAKE FURTHER NOTICE that any disobedience of this Order amounts to contempt of the court and is punishable.