



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

COMMERCIAL AND TAX DIVISION

CIVIL SUIT NO. 308 OF 2013

SBM BANK (KENYA) LIMITED.....PLAINTIFF

-VERSUS-

HITEN SHANTILAL SHAH.....DEFENDANT

RULING

1. This suit was filed by **Fidelity Commercial Bank Limited** against **Hiten Shantilal Shah**. An application has been made by **SBM Bank (Kenya) Limited** seeking that it be granted leave to substitute Fidelity Commercial Bank Limited in this action. The basis of seeking the substitution is that Fidelity Bank was acquired by SBM Bank. That SBM Bank acquired all assets, interests and liabilities of Fidelity Bank in accordance with Section 3 of the Transfer of Business Act and The Capital Markets Act. That accordingly Fidelity Bank's interests in this suit has devolved to SBM Bank. In support of the application there was annexed a Certificate of change of name dated 16th May 2017. That certificate reflects and certifies the change of name from Fidelity Bank to SBM Bank.

2. The application was not opposed by the defendant, quite rightly so, because in my view the orders sought are not prejudicial to the defendant.

CONCLUSION

3. The interest of justice will best be served by granting the orders sought.

4. Accordingly in respect to the Notice of Motion dated 14th February 2020 I grant the following orders:

a. Leave is hereby granted to SBM Bank (Kenya) Limited to substitute Fidelity Commercial Bank Limited as the Plaintiff in this action.

b. The costs of the Notice of Motion shall be in the cause.

DATED, SIGNED and DELIVERED at NAIROBI this 1ST day of JULY 2020.

MARY KASANGO

JUDGE

Before Justice Mary Kasango

C/A Sophie

For the Plaintiff:

For the Defendant:

ORDER

This decision is hereby virtually delivered this 1st day of July, 2020.

MARY KASANGO

JUDGE



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