



# THE NAIROBIAN Defender

By Paul Wafula and James Wanzala

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## George Njoroge vs Family Bank

### QUERY

Dear Nairobiian Defender,  
Two years ago, I secured a Bi-ashara Loan with Family Bank meant to buy a car. The car's logbook was used as security. I cleared repayment, but up to date, I have not received the logbook. I have written many letters and visited the bank many times, but the answer I am always given is that they are still looking for it.

Last month, when I visited the bank, I was told they need to replace the logbook at their cost and I was given an acknowledgement letter to that effect. At the end of the month, I visited the bank and to my surprise, the commencement had not started as the bank official handling my case has apparently been very busy with other important bank tasks. I was informed that I was the one to take the role of replacement, swear an affidavit, get a police abstract, proceed to CID offices etc. Am I the one who lost the logbook?

As a sole proprietor printer, I struggled so much to repay back the bank after I was attacked by thugs, seriously beaten and hospitalised. My wife notified the bank immediately of the situation and pleaded with them to bear with us as we struggled to pay the monthly dues as most of the funds was now diverted towards medical expenses. My wife had to take the role of family breadwinner.

By then, I had an accumulated arrears of two months and we were endlessly harassed by the bank. To our surprise, they sent auctioneers to our house. Fortunately, I had a post-dated cheque for the payments which I shown them and they instructed me to call the bank before they start taking my household goods and tow



the car away (the car had an engine problem).

I talked to the bank and was instructed to send someone with the cheque for verification. Later, after the verification, the bank called the auctioneers to leave. They did not touch my households goods or tow the car as earlier threatened.

Looking at my situation and my finances, and to avoid such a scenario again, I decided to close my office and sell the fast-moving office assets and furniture at throw-away prices so that I can be in a position to repay the five months that I was due to clear the loan with the hope that I will be able to sell the vehicle and at least get on my feet again.

When I cleared the loan, I was further told that I have to pay Sh10,000 for the auctioneers before they can release the logbook to me.

Working at home is not easy and outsourcing services leaves one with very minimal margins and we are struggling even to pay school fees for our children and our rented house. Working at home means you have to

go visit clients all the time and much time is spent struggling to survive.

I cannot sell the car nor secure any credit with any other institution and I desperately need capital to work. What I want the bank to tell me is how they lost my logbook. It's now five months since I cleared their loan, why is it taking this long for them to replace the logbook?

Can I be compensated for all the inconvenience Family Bank has put me through?

Thanks in advance  
Yours sincerely  
George Njoroge

### ACTION TAKEN BY THE DEFENDER

The Nairobiian Defender took up the issue with Family Bank and the lender has promised to cover the cost of the logbook replacement.

### RESPONSE FROM FAMILY BANK

The email from Family Bank to The Nairobiian Defender reads:

Family Bank regrets the loss of the customer's logbook which he had used as security for a loan.

The Bank agreed to cover the cost for the logbook replacement and initiated the process of replacing it which would include providing documents such as police abstract, search copy of record and affidavit.

This process does require adherence to certain procedures hence why it has taken longer than earlier anticipated. The customer's cooperation is critical in finalising the process since the law and the relevant authorities require the co-owners to present themselves in person to obtain these official documents. We expect that the duplicate logbook process will be completed by end of the month.

Once again, our sincere apologies to the customer for the inconveniences caused.

Thanks and regards,  
Norman Mudibo,  
Senior Manager, Corporate Communications & PR  
Family Bank Towers.

### NAIROBIAN DEFENDER CONTACTED GEORGE NJOROGE WHO HAD THIS TO SAY:

Dear Defender,  
I appreciate the good work that you and your team are doing. I thank you for the intervention on the matter that has taken five months. We hope they will keep their word. Once again, keep up the good work you are doing for the citizens of this country.

Regards  
George

The Nairobiian Defender will follow up this case to see if indeed by the end of November, the bank would have kept its word this time round to stop this senseless suffering of a once-loyal customer.

### CASE FILE

Kevin Ongete Okeyo, if you are a JKUAT student, we've got your documents

### LOST AND FOUND

If you are a JKUAT comrade, or the dean of students, this is for you. Please help The Nairobiian Defender trace one of your comrades, Mr Kevin Ongete Okeyo.

Kevin, your documents, among them your student ID and national ID were picked by a Good Samaritan in Utawala. Please contact us through our email - [nairobiandefender@standardmedia.co.ke](mailto:nairobiandefender@standardmedia.co.ke) - or send us a short message on 0710651923 and we shall pass them to you. The Defender is sure the exams are around the corner and this comrade would need these documents.

Below is the short message as received by The Nairobiian Defender from the good Samaritan.

Attention Nairobiian Defender, I am Godfrey Wanzala Chessa. I honour you for the work you are doing. I found a national ID - 3003XXXX5 and student ID HD2XX (We have hidden some digits of the IDs for privacy reasons) belonging to Kevin Ongete Okeyo. The cards were picked within Utawala Estate Health Centre while I was on duty. I have called the Registrar, Academic Affairs of JKUAT but my call does not seem to get through. God bless your work, Chessa.



### WE WILL FIGHT FOR THE COMMON MWANANCHI



The Commission on Administrative Justice (Ombudsman) chairman Dr Otiende Amollo. (PHOTO: KELVIN KARANI)

## The Nairobiian Defender inks crucial deal with the Ombudsman to fight for you

The Nairobiian Defender has signed a deal with the office of the Ombudsman that gives us greater platform to fight errant public officers and institutions that continue to frustrate Kenyans and disenfranchise others.

This partnership will see The Defender work hand in hand with the Ombudsman on some critical cases in the public sector, as well as refer some that may need action to be taken on negligent public officers. The office investigates abuse of power, manifest injustice and unlawful, oppressive, unfair or unresponsive official conduct.

The Defender welcomes

like-minded partners, including lawyers who would like to give back to society by offering legal advice and service to our aggrieved complainants among others. Kindly write to us through [nairobiandefender@standardmedia.co.ke](mailto:nairobiandefender@standardmedia.co.ke)

Below are some of the cases that the Ombudsman's office has already solved:

### Francis vs Postal Corporation of Kenya

Francis who retired from the Postal Corporation of Kenya in December 2010 accused his employer of not remitting his NSSF contributions since 2003, a matter that was delay-

ing the processing of his retirement dues. The Commission initiated enquiries after the complaint was lodged on February 6, 2015. The employer took the necessary action and the complainant has now been paid all his benefits.

### Saad vs Kenya Power and Lighting Company

The complaint was against installation of a transformer in his premises as it posed great danger to life and property. The Commission engaged the Kenya Power and Lighting Company through enquiries and the company in turn relocated the transformer, much to

the satisfaction of the complainant.

### About the Office of the Ombudsman

The Commission on Administrative Justice (CAJ), also known as the Office of the Ombudsman, is an independent commission established by the Commission on Administrative Justice Act, 2011, pursuant to Article 59 (4) of the Constitution of Kenya. The CAJ is mandated to address all forms of maladministration, promote good governance and efficient service delivery in the public sector by enforcing the right to fair administrative action.

Has an individual tasked with serving you taken you in circles? Do you have trouble chasing after your retirement benefits? Have you lost money in a bank and have nowhere to turn to? Have you lost hope in getting compensation from rogue lawyers or insurance companies? If you have such a complaint, do not suffer in silence any more. Write to us at [nairobiandefender@standardmedia.co.ke](mailto:nairobiandefender@standardmedia.co.ke) or drop your complaint at any of The Standard Group bureaus around the country, and let it be our business to ask these questions for you. Our team of investigative reporters are on standby to uncover the truth and help you get justice The Nairobiian way!