



REPUBLIC OF KENYA



**Githaiga v Muituma (Civil Appeal 627 of 2016)  
[2024] KEHC 13217 (KLR) (Civ) (31 October 2024) (Ruling)**

Neutral citation: [2024] KEHC 13217 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)**

**CIVIL**

**CIVIL APPEAL 627 OF 2016**

**JN MULWA, J**

**OCTOBER 31, 2024**

**BETWEEN**

**DANIEL GITHAIGA ..... APPELLANT**

**AND**

**THOMAS KIBUI MUITUMA ..... RESPONDENT**

**RULING**

1. The Motion dated 7/05/2024 brought by the Respondent herein is unopposed.  
The applicant seeks an order for release of funds deposited in court as security by the appellant for the due performance of the decree pending hearing and determination of the appeal.  
Though served with the motion, the appellant has not filed any replying affidavit or any objection at all.
2. The appeal was heard and judgment delivered on 2/05/2023 dismissing the same with costs to the Respondent/applicant.  
The trial court's judgment was delivered on 22/09/2016 whereof the Plaintiff/Respondent was awarded Kshs. 648,251.64 and a decree issued.
3. In the circumstances, the applicant in this motion is in order to seek that the money deposited in court be released to him upon dismissal of the appeal as part payment of the decretal sum.  

There being no objection to the motion by the Appellant, I proceed to allow the motion dated 7/05/2024 as prayed.
4. Let the sum of Kshs. 337,552.30 deposited in court be released to the Respondent, Thomas Kabui Muituma through his advocates on record, Mbai Waweru Advocates.  
Orders accordingly.



**DATED SIGNED AND DELIVERED IN NAIROBI THIS 31<sup>ST</sup> DAY OF OCTOBER, 2024.**

**JANET MULWA**

**JUDGE**

