



Gathongo (Suing as the Legal Representative of the Estate of Irene Nyambura Kiarii) v Maina & another (Civil Appeal E095 of 2017) [2023] KEHC 20750 (KLR) (27 July 2023) (Ruling)

Neutral citation: [2023] KEHC 20750 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NYAHURURU
CIVIL APPEAL E095 OF 2017
CM KARIUKI, J
JULY 27, 2023**

BETWEEN

DAVID NDUMIA GATHONGO (SUING AS THE LEGAL REPRESENTATIVE OF THE ESTATE OF IRENE NYAMBURA KIARII) APPLICANT

AND

PETER KAMAU MAINA 1ST RESPONDENT

EDWARD KARIUKI GIKONYO 2ND RESPONDENT

RULING

1. By application dated 12/9/2022, the applicant seeks a stay of the warrant and recalling the same dated 7/9/2022 because the claim has been paid in full.
2. The application is supported by the grounds on the face of the motion and Affidavit of Shelmith Ngure Affidavit sworn on 12/9/2022.
3. The Respondent opposes the same through the affidavit sworn by Waichugo Martin on 17/10/2022.
4. After perusing the Application and the Affidavits thereof by both sides, I find the epicentre of the contest is focused on the computation element of the amount due.
5. Either the Deputy Registrar was wrong in approving the warrant on figures, or the Applicants are misleading the court.
6. I find it apt for the Deputy Registrar to compute the payable amount, costs, interest amount paid so far, and balance, if any together with representatives of the parties.
7. Then, the matter can be referred to me for mention unless the parties are satisfied with the exercise.

DATED, SIGNED, AND DELIVERED AT NYAHURURU THIS 27TH DAY OF JULY 2023.



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CHARLES KARIUKI
JUDGE

