



**Kimani & another v Nzyuko & another (Civil Appeal E374 of 2021)
[2022] KEHC 14272 (KLR) (Civ) (21 October 2022) (Ruling)**

Neutral citation: [2022] KEHC 14272 (KLR)

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

CIVIL

CIVIL APPEAL E374 OF 2021

JK SERGON, J

OCTOBER 21, 2022

BETWEEN

JOSEPH MWANGI KIMANI 1ST APPELLANT

JAMES NJENGA 2ND APPELLANT

AND

BERNARD MBALU NZYUKO 1ST RESPONDENT

TAIGA AUCTIONEERS 2ND RESPONDENT

RULING

1. Having considered the grounds stated on the face of the motion dated October 6, 2022 plus the facts deponed in the rival affidavits. I have also considered the oral rival submissions and I am convinced the aforesaid motion has merits. The same is allowed giving rise to issuance of the following orders:
 - i. The order or ruling delivered on August 25, 2022 is reviewed whereby the motor vehicle ordered to be unconditionally released should be KCH 797T instead of KCH 792T. The OCS, Central Police Station, Nairobi to assist in execution of the order of release in case if a default.
 - ii. The order directing the 1st respondent to tax his charges is reviewed and set aside and instead is substituted with an order directing Taifa Auctioneers to tax its charges plus storage charges.
 - iii. Each party to bear their own costs of the motion.

**DATED, SIGNED AND DELIVERED ONLINE VIA MICROSOFT TEAMS AT NAIROBI THIS
21ST DAY OF OCTOBER, 2022.**

.....

J. K. SERGON



JUDGE

In the presence of:

.....for the Appellant

.....for the Respondent

