



**REPUBLIC OF KENYA**

**High Court at Nairobi (Nairobi Law Courts)**

**Civil Appeal 144 of 2012**

**Editorial Summary**

1. *Civil Appeal*
2. *Security of costs*

**BONAR (E.A) LIMITED ..... APPELLANT/  
ORIGINAL DEFENDANT**

**STEPHEN REUBEN KARUNDITU**

**ELIUD NJOROGE ..... APPELLANTS**

**VERSUS**

**ASHUT ENGINEERS LTD ..... RESPONDENT/ ORIGINAL PLAINTIFF**

***(Being an appeal against the ruling of Hon. A.K. Ndungu, Senior Principal Magistrate on 21<sup>st</sup> May of 2007 in CMCC No. 11381 of 2005 at***

***Milimani Commercial Courts)***

**RULING NO. 2**

1. The parties addressed this court on the issue of costs. The applicant having been granted stay of execution herein has requested that security be varied.
2. The respondent would feel reassured if stay is granted, security of costs be provided.
3. That this be by way of banker's guarantee on a deposit of Ksh. 200,000/- or in alternative, cash in an interest earning account in names of both advocates.
4. That the directors sign the requisite authority for this security if need be. The security of decretal sum mentioned on 19<sup>th</sup> July 2012 at 11.00 a.m.

**DATED THIS 25<sup>th</sup> DAY OF JUNE 2012 AT NAIROBI**

**M.A. ANG'AWA**

**JUDGE**

*Advocates :*

- i) *T.W. Gaita instructed by M/s Gaita Co Advocates for  
appellant/original defendant*
- ii) *T.K. Mbaabu & M/s T.K. Kariba Mbaabu Co Advocates for  
respondent /original defendant*