



**Kuria v Invesco Assurance Co Ltd & another (Civil Case
E039 of 2024) [2025] KEHC 2981 (KLR) (13 March 2025) (Ruling)**

Neutral citation: [2025] KEHC 2981 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAKURU
CIVIL CASE E039 OF 2024
SM MOHOCHI, J
MARCH 13, 2025**

BETWEEN

ESTHER KURIA APPLICANT

AND

INVESCO ASSURANCE CO LTD & KIPKOECH KIGEN DEFENDANT

RULING

1. The Applicant complied and served parties Return of Service dated 11th November, 2024 by Erick Otieno Randa and Return of Service dated 25th November, 2024 by Adrian Mwiti.
2. The motion is undefended as the Respondent and Interested Parties failed and/or refused to defend.
3. I am thus inclined to allow the Notice of Motion dated 5th November, 2024 on the following terms:
 - i. An order of stay against execution of judgment/decreed in Nakuru CMCC No. E809 of 2022 Kipkoech Kigen v Esther Wangare Kuria is hereby issued pending hearing and determination of the declaration suit.
 - ii. The Applicant shall set down the suit for pre-trial directions within 30 days.
 - iii. Costs shall be in the cause.

It is so ordered.

**SIGNED, DATED AND VIRTUALLY DELIVERED AT NAKURU THIS 13TH DAY OF MARCH,
2025.**

MOHOCHI S.M

JUDGE

In the presence of:



Court Assistant — Faith

Maina Kairu for Plaintiff/Applicant M/s Kemunto for interested party Defendant - absent

