



**Kabiru & another v Amboso (Civil Appeal 139 of 2024)
[2025] KEHC 2398 (KLR) (At Nairobi) (5 March 2025) (Ruling)**

Neutral citation: [2025] KEHC 2398 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
AT NAIROBI
CIVIL APPEAL 139 OF 2024
JN MULWA, J
MARCH 5, 2025**

BETWEEN

JOSEPH MATHENGE KABIRU 1ST APPELLANT

JULIUS MIGURIA NGAHU 2ND APPELLANT

AND

EDWIN SHISANYA AMBOSO RESPONDENT

RULING

1. The Notice of Motion Application dated 18/11/2024 filed by the Respondent has been considered alongside the applicants submissions filed on 20/01/2025.
2. The appellants though served with the motion have not filed any response thereto.
3. In the motion, the applicant who is the respondent in the appeal seeks orders that the sum of Kshs. 300,000/- deposited in court by the appellant vide a court order dated 3/02/2024 as security be released to the appellants on grounds that the Appeal by a Memorandum of Appeal dated 30/01/2024 was struck out on 14/11/2024. That having been done, and there being no impediment filed, the deposit having been security for the due performance of the decree is of no purpose remaining in courts custody.
4. The sum of Kshs. 300,000/- was deposited on two occasions; Kshs. 150,000/= on 28/02/2024 and Kshs. 150,000/= on 11/03/2024 by the firm of B. N. Mbutia & Company Advocates.
5. The court therefore directs and orders that the said sum be released to the firm of B. N. Mbutia & Company Advocates for onward transmissions to its client the respondent herein.

Orders accordingly.



DELIVERED, DATED AND SIGNED IN NAIROBI THIS 5TH DAY OF MARCH 2025.

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JANET MULWA.

JUDGE

