



REPUBLIC OF KENYA



**Nguku v Jamjos Enterprises Limited (Civil Appeal E126 of 2023)
[2025] KEHC 3393 (KLR) (Civ) (20 March 2025) (Ruling)**

Neutral citation: [2025] KEHC 3393 (KLR)

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

**CIVIL
CIVIL APPEAL E126 OF 2023**

**AC MRIMA, J
MARCH 20, 2025**

BETWEEN

ERIC MBIU NGUKU APPLICANT

AND

JAMJOS ENTERPRISES LIMITED RESPONDENT

RULING

1. This is a post-judgment ruling in respect of an application by way of a Notice of Motion dated 14th November 2024 which was taken out by the Appellant/Applicant. The application sought the following orders: -
 1. That the application herein be certified urgent and service thereof be dispensed with.
 2. That this Honourable Court be pleased to enlarge time and extend the orders of stay issued on 9th October 2022 by Hon. Justice Alexander Muasya Muteti and/or maintain status quo pending the hearing and determination of this application and appeal.
 3. That there be a stay of execution of the Exparte judgment and decree entered on 24th November 2022 by Hon. E.M. Kagoni (PM) in CMC No. E10650 of 2016 and further extension of the stay orders issued on 9th October 2024 by Hon. Justice Alexander Muasya Muteti against the Applicant herein together with all the consequential orders pending the inter-partes hearing and determination of the appeal.
 4. The costs of the application be in the cause.
2. Pursuant to the directions of this Court, the application was heard by way of written submissions.



3. Despite the prayers sought in the application, the Applicant seems to be in essence seeking for time within which to satisfy the decree in instalments. This Court holds as such since the Applicant deposed in paragraph 8 of his Affidavit in support of the application as follows: -
 8. That I am keen to ensure that the decretal sum owed to the Respondent herein is settled thus I seek for an extension of time to allow me to settle the amounts in manageable instalments.
4. As the purpose of the application is to seek accommodation to settle the judgment sum in instalments then the application is misconceived. The Applicant ought to have outrightly filed an application seeking to liquidate the decretal sum in instalments and satisfy the conditions attendant to such an application. The application, therefore, suffers a false start and is hereby disallowed.
5. Consequently, the Notice of Motion dated 14th November 2024 is hereby dismissed with costs.
Orders accordingly.

DELIVERED, DATED AND SIGNED AT NAIROBI THIS 20TH DAY OF MARCH, 2025.

A. C. MRIMA

JUDGE

Ruling No.1 virtually delivered in the presence of:

Mr. Gatunga, Learned Counsel for the Applicant/Appellant.

Mr. Ng'ang'a Kamau, Learned Counsel for the Respondent.

Michael – Court Assistant.

