



REPUBLIC OF KENYA



**KENYA LAW**  
THE NATIONAL COUNCIL FOR LAW REPORTING  
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**Waithanji v Baraka Credit Limited & 2 others (Civil Miscellaneous Application  
E239 of 2024) [2025] KEHC 3784 (KLR) (24 March 2025) (Ruling)**

Neutral citation: [2025] KEHC 3784 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIAMBU  
CIVIL MISCELLANEOUS APPLICATION E239 OF 2024  
DO CHEPKWONY, J  
MARCH 24, 2025**

**BETWEEN**

**GODFREY MUMBURA WAIHANJI ..... APPLICANT**

**AND**

**BARAKA CREDIT LIMITED ..... 1<sup>ST</sup> RESPONDENT**

**PURPLE ROYAL AUCTIONEERS ..... 2<sup>ND</sup> RESPONDENT**

**LAND REGISTRAR, RUIRU ..... 3<sup>RD</sup> RESPONDENT**

**RULING**

1. This matter is for mention for parties to confirm compliance on directions issued on 11<sup>th</sup> December, 2025. However, upon listening to counsel for the Applicant, it is confirmed that the Applicant has filed a Notice of Withdrawal of suit dated 14<sup>th</sup> March, 2025.
2. The Applicant has sought leave to withdraw the suit, in which application is not opposed by the Respondents save for seeking costs for the reason that they have filed a Memorandum of Appearance and Replying Affidavit.
3. I have perused the record and confirm that the Respondent has indeed filed a Replying Affidavit dated 10<sup>th</sup> February, 2025.
4. Therefore, pursuant to the Notice of Withdrawal of suit dated 14<sup>th</sup> March, 2025, this suit be and is hereby marked as withdrawn with costs to the Respondent.

It is so ordered.

**RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT KIAMBU THIS 24<sup>TH</sup> DAY OF  
MARCH, 2025.**

**D. O. CHEPKWONY**



## **JUDGE**

In the presence of:

Mr. Odhiambo counsel for Applicant

M/S Mutinda counsel for Respondent

Court Assistant - Martin

