



**Clarity Biztech Advisory Limited v Standard Group Limited; Bemac  
Auctioneers (Interested Party) (Arbitration Cause E033 of 2023)  
[2025] KEHC 5988 (KLR) (Commercial and Tax) (12 May 2025) (Ruling)**

Neutral citation: [2025] KEHC 5988 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI COMMERCIAL COURTS)  
COMMERCIAL AND TAX  
ARBITRATION CAUSE E033 OF 2023  
JWW MONG'ARE, J  
MAY 12, 2025**

**BETWEEN**

**CLARITY BIZTECH ADVISORY LIMITED ..... PLAINTIFF**

**AND**

**STANDARD GROUP LIMITED ..... DEFENDANT**

**AND**

**BEMAC AUCTIONEERS ..... INTERESTED PARTY**

**RULING**

1. What is before this Honourable Court is a Notice of Motion Application under a Certificate of Urgency and brought under Article 159(2)(a)(b)(d) and (e) of *the Constitution* of Kenya, Order 21 Rule 12, Order 22 Rule 22(11) of the Civil Procedure Rules, Sections 1A,1B and 3A of the *Civil Procedure Act* and it seeks the following orders:-
  1. Spent
  2. Spent
  3. That this Honourable court be pleased to issue an order postponing payment by the Defendant/Applicant to the Plaintiff/Respondent of the remainder of the decretal sum of Kshs.13,823,186.92/=, upon payment of the sum of Kshs.500,000/= until payment in full at court rates and costs of the suit as awarded to the Plaintiff/Respondent pending the hearing and determination of the application and or the outcome of the intended negotiations between the Defendant/Applicant and the Plaintiff/Respondent for payment of the decretal sum by



way of instalments and /or any other manner as the parties may agree at the conclusion of the intended negotiations.

4. That this Honourable Court be pleased to restrain the Plaintiff/Respondent from attaching the Defendant/Applicant properties pending the intended negotiations between the Defendant/Applicant and the Plaintiff/Respondent for settlement of the decretal sum by way of instalments or any other form as the parties may agree.
5. That costs of this application be provided for.
2. The Application is supported by the grounds set out on its face and the supporting affidavit of Jesse Waigwa sworn on 6<sup>th</sup> February 2025. It is opposed and the Plaintiff/Respondent has filed a replying affidavit sworn by Patrick Karige Munge on 17<sup>th</sup> February 2024. Parties filed written submissions which I have carefully considered.
3. In opposing the application, the Respondent argues that the Arbitral Award was arrived at by consent of the parties and that to seek to stay the implementation of the award therein is to deny the Plaintiff the fruits of the said Award properly obtained.
4. I note from the face of the application the Applicant admits to the judgment debt herein and proposes that this court should proceed to order the parties to negotiate a payment of the same by instalments. I also note that the Applicant has not provided an explanation as to what amount it intends to make available to settle this debt. The Applicant does not dispute that the arbitral award was one to which it consented to. I am constrained to find any valid explanation as to why this court is being invited to interfere with the Plaintiffs well deserved judgment and to which both parties consented to.
5. I find therefore no merit in the application before this court. The same has been brought solely for the purpose of delaying the realization by the Plaintiff of the fruits of its judgment. I dismiss the same and award costs of this application to the Plaintiff/Respondent. Any Interim Orders herein are vacated forthwith.

It is so ordered.

**DATED, SIGNED AND DELIVERED VIRTUALLY AT NAIROBI THIS 12<sup>TH</sup> DAY OF MAY 2025**

**J.W.W. MONG'ARE**

**JUDGE**

