



REPUBLIC OF KENYA



KENYA LAW
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**Mwangi & another v Maina (Civil Appeal E200 of 2021)
[2025] KEHC 11434 (KLR) (10 June 2025) (Ruling)**

Neutral citation: [2025] KEHC 11434 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KIAMBU
CIVIL APPEAL E200 OF 2021
DO CHEPKWONY, J
JUNE 10, 2025**

BETWEEN

STEPHEN MAINA MWANGI 1ST APPELLANT

JAMES MWANGI 2ND APPELLANT

AND

BEDAN MWANGI MAINA RESPONDENT

*(Being an Appeal from the Judgment of the Hon. J. A.
Ogonda, Principal Magistrate on 5th October, 2021)*

RULING

1. The matter was scheduled for interparties hearing of a Notice of Motion application dated 5th November, 2024 in which the Applicant seeks for:-
 - a. Spent.
 - b. Spent.
 - c. This Honourable Court be pleased to grant an order to release the decretal sum of Kenya Shillings Five Hundred and Fourteen Thousand and Five Shillings (Kshs.514,005) deposited with the court by the Appellant be released to the Advocates for the Respondent to realise payment of the decretal sum upon conclusion of the appeal.
 - d. The interest of Kshs.53,198.88 being the interest on costs was not deposited to the court to be paid to the Respondent's advocates firm being MKN & Co. Advocates together with costs of the suit of Kshs.110,831.00 forthwith by the Appellants.
 - e. In default Prayer No.4 above execution to issue against the Appellant for recovery of the same.



- f. That costs of this application be provided.
2. The application is premised on the grounds set out on its face, certificate and supporting affidavit sworn by Kirui Sharon on even date. There is no appearance for and by the Respondents and neither is there a response to be said application.
3. It is worth noting that the hearing date was caused listed and posted on the Judiciary's e-portal.
4. In view of this, the application is unchallenged and this court proceeds to allow the same as prayed in the following terms:-
 - a. That the decretal sum of Kenya Shillings Five Hundred and Fourteen Thousand and Five Shillings (Kshs.514,005) deposited with the court by the Appellants be and is hereby released to the Advocates for the Respondent to realise payment of the decretal sum upon conclusion of the appeal.
 - b. The interest of Kshs.53,198,88 being interest on costs which was not deposited to the court to be paid to the Respondent's Advocate firm being MKN & Co. Advocates together with costs of the suit of Kshs.110,831.00.
 - c. The Respondents to bear the costs of the application.

It is so ordered.

RULING DELIVERED VIRTUALLY, DATED AND SIGNED AT KIAMBU THIS 10TH DAY OF JUNE 2025.

D. O. CHEPKWONY

JUDGE

In the presence of:

Mr. Kinyua Wanjohi counsel for Respondent/Applicant

Court Assistant - Martin

