



REPUBLIC OF KENYA



**KENYA LAW**  
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**Amble Beginnings Counsult Ltd v Ojowa (Civil Appeal E1362 of 2024)  
[2025] KEHC 10171 (KLR) (Civ) (15 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 10171 (KLR)

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

**CIVIL**

**CIVIL APPEAL E1362 OF 2024**

**LP KASSAN, J**

**JULY 15, 2025**

**BETWEEN**

**AMBLE BEGINNINGS COUNSULT LTD ..... APPELLANT**

**AND**

**ANNE AMONDI OJOWA ..... RESPONDENT**

**RULING**

1. This is a notice of Motion that basically seeks stay of execution of Judgement and decree entered on the 2nd day of July 2025 for the main reason of there being an appeal. I have read the submissions and all relevant documents and so I shall not belabor on their details but rather deal directly with the issues raised;

**The Right of appeal**

2. This is a Constitutional right. In this case the Appeal was lodged within time limit. This is the main reason as to why Parliament created hierarchy of Courts.

**Deposit of Security.**

3. The Appellant has duly deposited the security to an interest earning Account.

**Whether Parties/one party shall be prejudiced if moneys in the decretal account is released.**

4. In an Appeal, no one is certain on its outcome and so the rights of both parties are equal- no one has a higher right over the other. How then should this Court treat the money in the escrow account? Should it be for the benefit of both parties or only one party? If these moneys are released to one of the parties that would mean that it will loose interest and in the event that the party whose money is released to



looses the Appeal, what will happen to the other winning Party in terms of expected interests? This issue has not been addressed by the Respondent.

**Affidavit of means.**

5. The Responded has attached his bank statement showing various transactions. Money in and money out compete at an equal level meaning that in as much as the transactions are over 8 Million, his expenses is almost the same and at the end only Ksh 705 is in his account as at 17th May 2022. On the issue of business earnings, we all know that profit and losses vary depending on many things. In short no one can tell for certain that he will make specific amount of profit in future.

**The rights to enjoy fruits of Judgement.**

6. The Respondent has every right to enjoy the fruits of his Judgement but not to compromise the right of the Appellant. The fact that the money is earning interest may mean that his right to grow the decretal amount is safeguarded. There is no hard prove or certainty that if this money is released, it would grow more or less than if it is kept in the escrow account due to several uncertainties.
7. The upshot of the above is that it is safer for both parties if the decretal amount remains to an escrow account. Consequently, I grant prayers (3) and (4). Given the circumstances of this case Costs shall be in cause.

Orders accordingly

**DATED, SIGNED AND DELIVERED VIRTUALLY THIS 15<sup>TH</sup> DAY OF JULY 2025.**

**HON L P KASSAN**

**JUDGE**

In the presence of;

Kitongi for Respondent

No appearance for Applicant

Carol – Court Assistant

