



**Ngoge v Advanced Gaming Limited (Miscellaneous Civil Application  
1086 of 2023) [2025] KEHC 10295 (KLR) (Civ) (16 July 2025) (Ruling)**

Neutral citation: [2025] KEHC 10295 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
CIVIL  
MISCELLANEOUS CIVIL APPLICATION 1086 OF 2023**

**JN MULWA, J**

**JULY 16, 2025**

**BETWEEN**

**GEOFFREY OMWANDO NGOGE ..... APPLICANT**

**AND**

**ADVANCED GAMING LIMITED ..... RESPONDENT**

**RULING**

1. This court's ruling dated 26/06/2025 has been appealed against. The court denied stay of execution orders against the Tribunal's decision. The notice of Appeal is dated 20/08/2024. It is not stated whether or not the Memorandum of Appeal is dated 20/08/2024. It is not stated whether or not the Memorandum of Appeal (or the Appeal) has been filed at the Court of Appeal.
2. The deposit made in court was pursuant to court order on interim basis pending determination on Notice of Motion dated 30/08/2024, which was determined by a ruling dated 26/06/2025.
3. As for as the court is concerned the stay orders lapsed on the date of delivery of the ruling delivered on 26/06/2025. There is nothing holding the Applicant from enforcing the award of the decree in the sum of Kshs. 2,324,641.16/=.
4. The sum of Kshs 1,000,000/= deposited as security by the intended appellant was not made to secure a none existence appeal. Its purpose lapsed when the ruling was delivered on 26/06/2025.
5. It is trite that a Notice of Appeal is not an appeal. It is an intention to appeal.
6. As far as this court is concerned, there is no appeal filed or pending for determination at the Court of Appeal.



7. In the premises, the Applicant is at liberty to enforce the decree. The 1<sup>st</sup> port of call would be to have the deposit in court released to the Applicant if it was deposited by the Respondent. Thereafter the Applicant can use any other execution method to have the balance of the decretal sum settled.
8. I therefore allow the deposit of Kshs. 1 million deposited in court on 11/09/2024 by Advanced Gaming Limited to be released from court to P. K. Matata & Co. Advocates for onward transmission to the Applicant Geoffrey Omwando Ngoge; forthwith.
9. The court holds the view that Advanced Gaming Ltd shall have an opportunity to seek for stay orders at the Court of Appeal.
10. This matter by this Misc. Appln. No. E186/2023 is now concluded and closed.
11. Leave to appeal from the orders granted to the Respondent, Advanced Gaming Ltd.

**DATED, SIGNED AND DELIVERED AT NAIROBI THIS 16<sup>TH</sup> DAY OF JULY, 2025.**

.....

**JANET MULWA**

**JUDGE**

In the presence of Mr. Matata for Applicant (Geoffrey)

Githui for Respondent (Advanced Gaming Ltd)

