



REPUBLIC OF KENYA



KENYA LAW
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Siocha v Kipchumba & another (Suing as the Legal Representatives of the Estate of Megan Chebet Chumba) (Civil Appeal 30 of 2019) [2025] KEHC 11083 (KLR) (28 July 2025) (Ruling)

Neutral citation: [2025] KEHC 11083 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
CIVIL APPEAL 30 OF 2019
RN NYAKUNDI, J
JULY 28, 2025**

BETWEEN

TUBMAN MAYAGA SIOCHA APPELLANT

AND

EVANS KIPCHUMBA 1ST RESPONDENT

MULUPI NYASISI CLAIRE 2ND RESPONDENT

**SUING AS THE LEGAL REPRESENTATIVES OF THE ESTATE OF MEGAN
CHEBET CHUMBA**

RULING

Representation:

M/s Alwang'a & Co. Advocates

M/s Kairu & Mccourt Advocates

1. What is pending before me for determination is an *ex-parte* Notice of Motion Application dated 23rd July 2025 in which the Applicant is seeking the following orders:
 - a. Spent
 - b. That the Honorable court be pleased to order for and allow release of funds in the joint interest account in the name of Advocates for the parties herein and more specifically the release of Kshs 591,065.00/= from account number xxx domiciled at NIC Bank Kenya to the Applicant's Advocates.
 - c. That cost of this Application be provided for.
2. The Application is based on the following grounds among others: -



- a. That the parties deposited Kshs 591,065.00/= in a joint interest earning account in compliance of the Stay conditions following the filing of an Appeal at NIC Bank Kenya vide account number xxx.
 - b. That the Appeal has since been dismissed and there is need for the Court to order release of the foregoing sums to the Applicant's Advocates.
 - c. That the variation of the Judgement falls within the ambit of Statutory limit that the Insurance ought to pay.
 - d. That no prejudice will be occasioned to the Appellant/Respondent if the orders sought are granted.
 - e. That it is therefore in the interest of Justice that the orders sought be granted.
3. The Application is supported by the annexed affidavit dated 23rd July 2025 sworn Josiah Alwang'a Musumi who avers as follows:
- a. That I am in conduct of this suit on behalf of the Applicant herein hence conversant with the issues arising by virtue of which I am competent and authorized to swear this Affidavit.
 - b. That following the lodging of an Appeal, part of the decretal sum was deposited in a joint interest account in the names of Advocates on record in compliance of the Stay conditions issued by Court.
 - c. That the Appeal has been successfully concluded, however the Appellant's Advocates are reluctant to execute the account liquidation forms despite numerous requests and reminders.
 - d. That the Appeal has been dismissed, and the Applicant herein is in need of the said sums for use and ultimately needs to enjoy the fruits of judgment which was delivered several years ago.
 - e. That it is in the interest of justice that Court ought to approve the release of funds to enable Advocates be discharged from the claim and/or settle the claim.
 - f. That the Appellant/Respondent will not be prejudiced by the orders sought herein.
 - g. That it is in the interest of Justice that the orders sought be granted.

Decision

4. I have considered the certificate of urgency and the evidence in support, and I find that there is merit to grant the following remedy: That an order be and is hereby issued for the release of funds held in the joint interest account in the names of the advocates for the parties and the same be transferred to account no. xxx domiciled at NIC Bank Kenya to the Applicant's Advocates being an amount of Kshs. 591,065.00/=
5. By this order the file be marked as closed.

GIVEN UNDER MY HAND AND SEAL OF THIS COURT THIS 28TH JULY 2025.

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R. NYAKUNDI
JUDGE

