



Susan v Cheronno (Civil Appeal E200 of 2023) [2025] KEHC 10265 (KLR) (16 July 2025) (Order)

Neutral citation: [2025] KEHC 10265 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT ELDORET
CIVIL APPEAL E200 OF 2023
RN NYAKUNDI, J
JULY 16, 2025**

BETWEEN

SUSAN APPELLANT

AND

KIBIWOTT T. CHERONO RESPONDENT

ORDER

1. The appellant filed an appeal before this court against the impugned judgement of the trial court indexed as SCCCOMM Suit No.E398 of2023.
2. This court pronounced itself on its appeal as follows:
 - a. The sum total of the evidence adduced by the Appellant points out to the fact that the defence of duress/coercion by the Appellant cannot succeed. As it relates to the issue of payment of the agency fee to the Respondent, there is no escape route for the Appellant. I find that the position of the Appellant on this two legal issues as grounded in the Memorandum of Appeal being without merit. The upshot of it the appeal on the terms of the contract and jurisdiction of the small claims court to entertain the cause of action be and is hereby dismisses with costs to the Respondent
3. The appeal having been determined, the firm of Kimaru Kimutai & Co. Advocates have moved this court vide a letter dated 24th April 2025 for a request for the release of 300,000 being monies deposited in the court's account for security a costs.
4. This court therefore orders the Deputy Registrar to release and transfer to the following bank account a sum Kshs. 300,000 with immediate effect if she has not done so already.
5. The particulars of the account being:
Bank Name: Diamond Trust Bank Kenya Limited



Branch: Eldoret

Account Number: Kimaru Kimutai & Co. Adv-Office A/C

Account Number: 0890874002

6. The deposit shall be release potentially and including an interest and associated with the account

GIVEN UNDER MY HAND AND THE SEAL OF THIS COURT THIS 16TH JULY 2025.

.....

R. NYAKUNDI

JUDGE

